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PREFACE

These annual cumulative pocket parts update the District of Columbia Official Code, 2001 Edition, with permanent, temporary, and emergency legislation and judicial constructions contained in annotations. These pocket parts contain the Laws, general and permanent in their nature, relating to or in force in the District of Columbia (except such laws as are of application in the General and Permanent Laws of the United States) in effect as of April 1, 2013.

This Supplement also updates the D.C. Code annotations by including notes taken from District of Columbia cases appearing in the following sources: Atlantic Reporter, 3d Series Supreme Court Reporter Federal Reporter, 3d Series Federal Supplement, 2d Series Bankruptcy Reporter.

Current legislation between pamphlets or pocket parts can be accessed online at www.lexisnexis.com/advance, www.lexisnexis.com/research, and http://dcclims1.dccouncil.us/lims.

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Later laws and annotations will be cumulated in subsequent annual Pocket Parts.

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DIVISION I. GOVERNMENT OF DISTRICT.

TITLE 8. ENVIRONMENTAL AND ANIMAL CONTROL AND PROTECTION.

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SUBTITLE B. WASTE DISPOSAL AND MANAGEMENT.

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SUBTITLE A. ENVIRONMENTAL CONTROL AND PROTECTION.

Chapter 1. Environmental Controls.

Subchapter I-A. Anacostia River Clean Up and Protection.

§ 8-102.04. Rules; enforcement and penalties for violation.

(a) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this subchapter within 90 days after September 23, 2009.

(b)(1) If the Mayor determines that a violation has occurred, the retail establishment shall be liable for the fees under § 8-102.03(a) and the Mayor shall impose a penalty on the retail establishment. The penalty shall be a class 4 infraction under the Schedule of Fines in section 3201 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3201), pursuant to Chapter 18 of Title 2 [§ 2-1801.01 et seq.]. Adjudication of any infraction shall be pursuant to Chapter 18 of Title 2 [§ 2-1801.01 et seq.].

(2) No more than one penalty shall be imposed upon a retail establishment within a 7-day period.

(c) If payment of any amounts due under this section is not received on or before the due date, a penalty shall be added as the Mayor provides by rule.

(d) Revenues collected through citations for violation of this subchapter shall be used only for enforcement costs, including hiring inspectors and other staff, and administrative costs associated with enforcement of this subchapter.

(Sept. 23, 2009, D.C. Law 18-55, § 5, 56 DCR 5703; Sept. 14, 2011, D.C. Law 19-21, § 6032(b), 58 DCR 6226; Oct. 23, 2012, D.C. Law 19-188, § 2(a), 59 DCR 10151.)

Section references. — This section is referenced in § 8-102.02.

Effect of amendments.

The 2012 amendment by D.C. Law 19-188 rewrote (b).

Legislative history of Law 19-188. — Law 19-188, the "Anacostia River Clean Up and Protection Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-515. The Bill was adopted on first and second readings on June 26, 2012, and July 10, 2012, respectively. Signed by the Mayor on August 6, 2012, it was assigned Act No. 19-441 and transmitted to Congress for its review. D.C. Law 19-188 became effective on Oct. 23, 2012.

§ 8-102.05. Establishment of the Anacostia River Clean Up and Protection Fund.

(a) There is established as a nonlapsing fund the Anacostia River Clean Up and Protection Fund. The fees established by § 8-102.03 for disposable carryout bags and transmitted to the Office of Tax and Revenue, the net proceeds from the issuance of Anacostia River Commemorative License Plates, and the net proceeds from the voluntary tax check-off provided in § 47-1812.11d shall be deposited in the Fund. The Fund shall be used solely for the purposes set forth in subsection (b) of this section and shall be administered by the Office of the Director of the District Department of the Environment.

(b) The Fund shall be used solely for the purposes of cleaning and protecting the Anacostia River and other impaired waterways. Funds shall be used for the following projects in the following order of priority:

(1) A public education campaign to educate residents, businesses, and tourists about the impact of trash on the District's environmental health;

(1A) The pilot program described in § 8-102.06a, and, at the discretion of the District Department of the Environment, the pilot program's full implementation;

(2) Providing reusable carryout bags to District residents, with priority distribution to seniors and low-income residents;

(3) Purchasing and installing equipment, such as storm drain screens and trash traps, designed to minimize trash pollution that enters waterways through storm drains, with priority given to storm drains surrounding the significantly impaired tributaries identified by the District Department of the Environment;

(4) Creating youth-oriented water resource and water pollution educational campaigns for students at the District public and charter schools;

(5) Monitoring and recording pollution indices;

(6) Preserving or enhancing water quality and fishery or wildlife habitat;

(7) Promoting conservation programs, including programs for wildlife and endangered species;

(8) Purchasing and installing signs and equipment designed to minimize trash pollution, including anti-littering signs to be installed in areas where littering would impact the Anacostia River, recycling containers, and covered trash receptacles;

(9) Restoring and enhancing wetlands and green infrastructure to protect the health of the watershed and restore the aquatic and land resources of its watershed;

(10) Funding community cleanup events and other activities that reduce trash, such as increased litter collection;

(11) Funding a circuit rider program with neighboring jurisdictions to focus river and tributary clean-up efforts upstream;

(12) Supporting vocational and job training experiences in environmental and sustainable professions that enhance the health of the watershed;

(13) Maintaining a public website that educates District residents on the progress of clean-up efforts; and

(14) Paying for the administration of this program.

(c)(1) The Fund shall not be used to supplant funds appropriated as part of an approved annual budget for Anacostia River cleaning activities.

(2) The Fund shall not be used to fund street sweeping activities.

(d) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of the fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization from Congress.

(Sept. 23, 2009, D.C. Law 18-55, § 6, 56 DCR 5703; Sept. 24, 2010, D.C. Law 18-223, § 1132, 57 DCR 6242; Oct. 23, 2012, D.C. Law 19-188, § 2(b), 59 DCR 10151.)

Section references. — This section is referenced in § 2-1226.36, § 8-102.01, § 8-102.03, § 8-102.07, § 47-1812.11d, and § 50-1501.03.

Effect of amendments. The 2012 amendment by D.C. Law 19-188 added (b)(1A); and in (b)(8), inserted "signs and" and "anti-littering signs to be installed in areas where littering would impact the Anacostia River."

Legislative history of Law 19-188. — See note to § 8-102.04.

§ 8-102.06a. Establishment of Anacostia pilot program.

(a) The District Department of the Environment shall:

(1) Establish a pilot program that permits entities to adopt a section of the Anacostia River for the purpose of removing bottles and other trash; and

(2) Select an entity to participate in the pilot program whose organizational mission is related to the restoration and preservation of District waterways.

(b) The pilot program shall include financial incentives and continue for at least 6 months.

(c) After completion of the pilot program, the District Department of the Environment may extend the program indefinitely and expand it to include other District waterways.

(Sept. 23, 2009, D.C. Law 18-55, § 7a, as added Oct. 23, 2012, D.C. Law 19-188, § 2(c), 59 DCR 10151.)

Section references. — This section is referenced in § 8-102.05.

Effect of amendments. — The 2012 amendment by D.C. Law 19-188 added this section.

Legislative history of Law 19-188. — See note to § 8-102.04.

Subchapter III. Wastewater Control.

§ 8-105.02. Definitions.

For the purposes of this subchapter, the term:

(1) Repealed.

(1A) Repealed.

(1B) Repealed.

(1C) "Best Management Practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR § 403.5(a)(1) and (b), § 8-105.06 and local pretreatment requirements established pursuant to §§ 8-105.07 and 8-105.15. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(1D) "Blue Plains" means the District of Columbia's Wastewater Treatment Plant at Blue Plains, a POTW.

(1E) "Categorical Pretreatment Standards" or "Categorical Standards" or "National Categorical Pretreatment Standards" means any regulation promulgated by the Environmental Protection Agency ("EPA") in accordance with § 307(b) and (c) of the Clean Water Act [33 U.S.C. § 1317] which specifies

quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new Industrial Users in specific industrial categories provided in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(1F) "Categorical wastewater" means wastewater subject to National Categorical Pretreatment Standards.

(1G) "Clean Water Act" means the Federal Water Pollution Control Act, approved October 18, 1972 (86 Stat. 816; 33 U.S.C. § 1251 et seq.).

(1H) "CFR" means the Code of Federal Regulations.

(1I) "Cooling water" means the wastewaters discharged from any system of heat transfer, such as condensation, air conditioning, cooling, or refrigeration to which the only pollutant added is heat.

(2) "Discharge" means any solid, liquid, or gas introduced into the wastewater system, including indirect discharges.

(3) "District" means the District of Columbia.

(3A) Repealed.

(3B) "District pretreatment standards" or "Local limits" means those limits established pursuant to §§ 8-105.07 and 8-105.15.

(3C) "Hazardous waste" means any waste defined as hazardous waste in § 8-1302(2).

(3D) "High strength wastes" means wastewater containing concentrations of organic matter, solids, or nutrients that are higher than domestic (residential) strength wastewater.

(3E) "Indirect discharge" means the introduction of pollutants into a POTW or the District's wastewater system from any non-domestic source regulated under § 307(b), (c), or (d) of the Clean Water Act [33 U.S.C. § 1317], and this subchapter.

(3F) "Industrial User" means a source of indirect discharge from a non-domestic user who discharges, causes, or permits the discharge of wastewater into the District's wastewater system.

(3G) "Infectious waste" means any waste defined as infectious waste in § 8-1051(21).

(4) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(A) Inhibits or disrupts the District's wastewater system, its treatment processes or operations, or its sludge processes, use, or disposal; and

(B) Therefore is a cause of a violation of any requirement of WASA's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):

(i) Section 405 of the Clean Water Act (33 U.S.C. § 1345);

(ii) The Solid Waste Disposal Act ("SWDA"), more commonly known as the Resource Conservation and Recovery Act of 1976, approved October 21, 1976 (90 Stat. 2795; 42 U.S.C. § 6901 et seq.), and including State or District regulations contained in any State or District sludge management plan prepared pursuant to subtitle D of the SWDA;

(iii) The Clean Air Act, approved December 17, 1963 (77 Stat. 392; 42 U.S.C. § 7401 et seq.);

(iv) The Toxic Substances Control Act, approved October 11, 1976 (90 Stat. 2003; 15 U.S.C. § 2601 et seq.); and

(v) The Marine Protection, Research, and Sanctuaries Act of 1972, approved October 23, 1972 (86 Stat. 1052; 33 U.S.C. § 1401 et seq.).

(5) "Mayor" means the Mayor of the District of Columbia or any representative or agency designated by the Mayor to carry out the provisions of this subchapter.

(5A) Repealed.

(5B) Repealed.

(5C) Repealed.

(5D) "Medical waste" means any waste defined as medical waste in § 8-901(3A).

(5E) "National Pretreatment Standards", "Pretreatment standards", or "Standards" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Clean Water Act [33 U.S.C. § 1317], which applies to Industrial Users. National Pretreatment Standards, pretreatment standards, or standards, includes prohibitive discharge limits and local limits established pursuant to 40 CFR § 403.5.

(5F) "Natural outlet" means any outlet into a watercourse, pond, ditch, river, lake, or other body of surface water.

(5G) "NPDES" means the National Pollutant Discharge Elimination System.

(5H) "NPDES permit" means the National Pollution Discharge Elimination System permit issued by the EPA Region III to WASA for the operation of the Blue Plains Wastewater Treatment Facility in effect on June 4, 2007 and as it may be amended or modified in the future, and any successor permits issued by the EPA Region III to either the District or to WASA.

(6) "Objectionable color" means a color inappropriate for the normal characteristics of the receiving water.

(7) "Pass through" means any discharge which exits the District's wastewater system into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes or may cause, or contributes to, a violation of any requirement of the NPDES permit (including an increase in the magnitude of duration of a violation).

(8) "Person" means any natural person, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns.

(9) "Pollutant" means any substance which induces or may induce an alteration of the chemical, physical, biological, or radiological integrity of water, which has or may have a detrimental effect on a subsequent use of that water, or which interferes or may interfere with the wastewater system.

(10) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties

in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants to the District's wastewater system. This reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 CFR § 403.6(d) and § 8-105.06(h). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the District's wastewater system. However, if wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR § 403.6(e).

(10A) "Pretreatment requirements" means any District pretreatment standard or federal, state, or local substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

(10B) "Prohibited Discharge Standards" or "Prohibitive Discharge limits" means any statute or regulation containing prohibitions on pollutant discharges including regulations promulgated by the EPA and the prohibitions in § 8-105.06 and local pretreatment requirements established pursuant to §§ 8-105.07 and 8-105.15.

(10C) "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by § 212 of the Clean Water Act (33 U.S.C. § 1292), which is owned by a State or municipality, such as the District of Columbia. The term includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances which convey wastewater to a treatment plant.

(10D) "POTW treatment plant" means that portion of a POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(11) "Septic tank" means a watertight receptacle which receives the discharge from a drainage system or a part of the drainage system, and is designed and constructed to separate solids from the liquid, decompose organic matter through a period of detention, and allow the liquids to discharge into the soil outside of the tank.

(11A) "Significant Industrial User" or "SIU" means:

(A) Except as provided in subparagraphs (B) and (C) of this paragraph, the term "Significant Industrial User" or "SIU" means:

(i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR § 403.6, and 40 CFR Chapter I, Subchapter N; and

(ii) Any other Industrial User that:

(I) Discharges an average of 25,000 gallons per day or more of process wastewater to the District's wastewater system or other POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

(II) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of Blue Plains; or

(III) Is designated as a Significant Industrial User by WASA on the basis that the Industrial User has a reasonable potential for adversely affecting the operation of Blue Plains or for violating any pretreatment standard or requirement.

(B) WASA may determine that an Industrial User subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(i) The Industrial User, prior to WASA's finding, has consistently complied with all applicable Categorical Pretreatment Standards and requirements;

(ii) The Industrial User annually submits the certification statement required in 40 CFR § 403.12(q) together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated wastewater.

(C) Upon a finding that an Industrial User meeting the criteria in subparagraph (A)(ii) of this paragraph has no reasonable potential for adversely affecting the operation of Blue Plains or for violating any pretreatment standards or requirements, WASA may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR § 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

(11B) "Significant noncompliance" means a Significant Industrial User that is in significant noncompliance with the pretreatment standards and requirements if it violates a term of a discharge permit and its violation meets one or more of the criteria listed in § 8-105.13, or an Industrial User whose violation meets one or more of the criteria listed in § 8-105.13(c)(3), (7) or (8).

(12) "Sludge and residue" means the accumulated solids, grease, liquids, and scum separated from wastewater during the wastewater treatment process.

(13) "Slug discharge" or "Slug load" means any discharge of a non-routine, episodic nature, including an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate WASA's regulations, local limits, or permit conditions such that it is capable of violating the specific prohibitive discharge limits of § 8-105.06 and local pretreatment requirements established pursuant to §§ 8-105.07 and 8-105.15.

(14) "User" means any person who discharges, causes, or permits the discharge of wastewater into the District's wastewater system.

(14A) "WASA" means the District of Columbia Water and Sewer Authority, as established by Chapter 22 of Title 34.

(15) "Wastewater" means the liquid and water-carried wastes from dwell-

ings, commercial buildings, industrial facilities, institutions, and swimming pools.

(16) "Wastewater system" means the devices, facilities, structures, equipment, or works owned, operated, maintained, or used by the District or WASA for the purpose of the transmission, storage, treatment, recycling, and reclamation of wastewater or to recycle or reuse water, including intercepting sewers, outfall sewers, wastewater collection systems, treatment, pumping, power, and other equipment and their appurtenances, extensions, improvements, remodeling of improvements, additions, and alterations to the additions, elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities, and any works, including land, that are or may be an integral part of the treatment process or that are or may be used for disposal of sludge and residue resulting from such treatment, and sewers designated as storm sewers shall be considered a part of the wastewater system for purposes of this subchapter.

(17) "Wastewater System Regulation Act" means this subchapter.

(Mar. 12, 1986, D.C. Law 6-95, § 3, 33 DCR 577; May 8, 1998, D.C. Law 12-106, § 2(a), 45 DCR 1724; May 8, 1998, D.C. Law 12-106, § 2(a), 45 DCR 1724; Apr. 12, 2000, D.C. Law 13-91, § 139(a), 47 DCR 520; Oct. 26, 2010, D.C. Law 18-256, § 2(a), 57 DCR 8082; Sept. 26, 2012, D.C. Law 19-171, § 57(a), 59 DCR 6190.)

Section references. — This section is referenced in § 8-105.06.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction in (3E).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 8-105.13. Annual publication.

(a) A list of the Industrial Users in significant noncompliance with the pretreatment standards and requirements in the preceding calendar year shall be published annually by WASA in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by WASA.

(b) The notification shall summarize the nature of the significant noncompliance and any enforcement action taken against the user during the same 12-month period.

(c) For the purposes of this section, a Significant Industrial User is in significant noncompliance with the pretreatment standards and requirements if its violation meets one or more of the following criteria and any Industrial User is in significant noncompliance if its violation meets the criteria in paragraph (3), (7), or (8) of this subsection:

(1) Chronic violations of wastewater discharge limits, which are violations in which 66% or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a

numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR § 403.3(l);

(2) Technical Review Criteria ("TRC") violations, which are violations in which 33% or more of all of the measurements taken for the same pollutant parameter during a 6 month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR § 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for Biochemical Oxygen Demand, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR § 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that WASA determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WASA or District personnel or the general public);

(4) Any violation of the terms of a wastewater discharge permit which remains uncorrected 45 days after notification of the violation is received by the user, or any failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a District or local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(5) Failure to provide required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on progress with compliance schedules or orders, within 45 days after the due date;

(6) Failure to timely and accurately report an instance of noncompliance with the pretreatment standards and requirements;

(7) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in WASA's exercise of its emergency authority pursuant to 40 CFR § 403.8(f)(1)(vi)(B) and § 8-105.12 to halt or prevent such a discharge; and

(8) Any other violation or group of violations, which may include a violation of best management practices, which WASA determines will adversely affect the operation or implementation of the local pretreatment program or which WASA otherwise considers significant in light of the circumstances.

(Mar. 12, 1986, D.C. Law 6-95, § 14, 33 DCR 577; Aug. 10, 1988, D.C. Law 7-138, § 2(e), (f), 35 DCR 4779; May 8, 1998, D.C. Law 12-106, § 2(h), 45 DCR 1731; May 8, 1998, D.C. Law 12-106, § 2(h), 45 DCR 1724; Oct. 26, 2010, D.C. Law 18-256, § 2(k), 57 DCR 8082; Sept. 26, 2012, D.C. Law 19-171, § 57(b), 59 DCR 6190.)

Section references. — This section is referenced in § 8-105.02.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 added "of this subsection" in the introductory language of (c).

Legislative history of Law 19-171. — See note to § 8-105.02.

Subchapter IV-A. Restrictions on Bisphenol-A, Polybrominated Diphenyl Ethers, and Perchloroethylene.

§ 8-108.02. Prohibitions on polybrominated diphenyl ethers.

Editor's notes. — Section 13 of D.C. Law 19-191 added a subsection (e) concerning a de minimis exemption for products affected by this section.

Section 14(a) of D.C. Law 19-191 provided that §§ 1 through 5 and 8 through 13 of the act shall apply as of October 1, 2013.

Chapter 1A. District Department of the Environment.

Subchapter I. General Provisions

Subchapter II. Stormwater Management

Subchapter III. Product Limitation of Stormwater Management

Subchapter I. General Provisions.

§ 8-151.01. Definitions.

For the purposes of this chapter, the term:

(1) "CapStat" means an accountability program that examines performance data to improve government services to make the District of Columbia government run more efficiently, using a methodical process for focusing the attention of government representatives on improving performance in priority issues that cross agency boundaries.

(2) "DDOE" means the District Department of the Environment.

(3) "Director" means the Director of the District Department of the Environment.

(4) "Environment" means the physical conditions and natural resources of the District, including the land, air, water, minerals, flora, and fauna in the District, and the waters adjacent to the District.

(5) "Environmental Management System" or "EMS" means an interagency data system to inventory, track, and report on progress towards performance standards and activities. The term "EMS" includes an adaptive management approach that incorporates planning, implementing, monitoring, evaluating, and adjusting the interagency data system.

(6) "Impervious area stormwater user fee" or "stormwater user fee" means a fee that attributes the cost of conveying stormwater run-off via a sewer from a given property, to the quantity of stormwater run-off generated from that same property, by use of impervious surface as a surrogate metric.

(7) "Impervious surface" means a surface area that either prevents or

retards the entry of water into the ground as occurring under natural conditions, or that causes water to run off the surface in greater quantities or at an increased rate of flow, relative to the flow present under natural conditions.

(8) "Low Impact Development" or "LID" means stormwater management practices that mimic site hydrology under natural conditions, by using design techniques in construction and development that store, infiltrate, evaporate, detain, or reuse and recycle runoff.

(9) "MS4" means the Municipal Separate Storm Sewer System serving approximately two-thirds of the District, and comprised of 2 independent piping systems: one system for sewage from homes and businesses, and one system for stormwater.

(10) "Natural conditions" means the state of the environment prior to anthropogenic intervention.

(11) "Primacy" means the grant or delegation of authority under certain federal environmental laws that allows states and the District to assume primary authority to enforce and implement the environmental laws and promulgate regulations pursuant to those laws.

(12) "SDWA" means the Safe Drinking Water Act, approved December 16, 1974 (88 Stat. 1660; 42 U.S.C. § 300f et seq.).

(13) "Sewer" shall have the same meaning as provided in § 34-2202.01(9).

(14) "Stormwater best management practice" means a structure used to reduce the volume or the pollutant content of a stormwater discharge.

(15) "Stormwater Permit" or "MS4 Permit" means NPDES No. DC0000221, issued to the District of Columbia by the Environmental Protection Agency.

(Feb. 15, 2006, D.C. Law 16-51, § 101, 52 DCR 10812; Mar. 25, 2009, D.C. Law 17-371, § 2(a), 56 DCR 1353; Sept. 26, 2012, D.C. Law 19-171, § 149(a), 59 DCR 6190.)

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 deleted "April 20, 2000" following "No. DC0000221, issued" in (15).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Subchapter II. Stormwater Management.

§ 8-152.01. Stormwater Administration.

(a) There is established within the District Department of the Environment a Stormwater Administration ("Administration"), pursuant to § 8-151.03(b)(2). The Administration shall be responsible for monitoring and coordinating the activities of all District agencies, including the activities of the District of Columbia Water and Sewer Authority ("DC WASA"), which are required to maintain compliance with the Stormwater Permit. The Director shall designate a Stormwater Administrator to manage the Administration.

(b) The expenses of the Administration shall be disbursed from the Stormwater Permit Compliance Enterprise Fund established pursuant to § 8-152.02.

(c) The District Department of Transportation, the Department of Public Works, the Office of Planning, the Office of Public Education Facilities Modernization, the Department of General Services, the Department of Parks and Recreation, and DC WASA, and any other District agency identified by the Director ("Stormwater Agencies"), shall comply with all requests made by the Director relating to stormwater related requests, compliance measures, and activities, including the adoption of specific standards, and the submission of information, plans, proposed budgets, or supplemental budgets related to stormwater activities. In coordination with the submission of the report required by subsection (f) of this section, the Stormwater Agencies shall submit annual reports of steps implemented to fulfill or exceed their MS4 Permit obligations, as defined by the Director.

(d) At least once each fiscal year in a CapStat or comparable session, the Mayor shall review the compliance of the Stormwater Agencies with the requests made by the Director relating to MS4 Permit compliance and activities.

(e) All budgets submitted by the Mayor to the Council shall include a written determination by the Director of whether the budget adequately funds MS4 Permit compliance and activities. The Director shall inform the Council of any deficiency, and indicate the revisions that shall be made to correct the deficiency.

(f) The Director shall provide to the Mayor, the Council, and the public, the annual report submitted to the Environmental Protection Agency ("EPA") under the terms of the Stormwater Permit.

(g) Within one year of the effective date of this section, the Director shall institute an Environmental Management System to inventory, track, and report on pollution prevention and stormwater management activities, and to hold the Stormwater Agencies accountable for progress toward meeting the performance standards and obligations required to meet the stormwater management plan of the Stormwater Permit.

(Feb. 15, 2006, D.C. Law 16-51, § 151, as added Mar. 25, 2009, D.C. Law 17-371, § 2(b), 56 DCR 1353; Sept. 26, 2012, D.C. Law 19-171, § 58(a), 59 DCR 6190.)

Section references. — This section is referenced in § 8-152.02.

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Department of General Services" for "Office of Property Management" in the first sentence of (c).

Legislative history of Law 19-171. — See note to § 8-151.01.

§ 8-152.02. Stormwater Permit Compliance Enterprise Fund.

(a) There is established within the District Department of the Environment a Stormwater Permit Compliance Enterprise Fund ("Enterprise Fund"), pur-

suant to § 8-151.03(b)(2). The Director shall allocate the Fund resources to carry out the MS4 Permit activities that have the greatest impact on reducing stormwater pollution.

(b) Beginning in fiscal year 2010 and each year thereafter, the Mayor shall propose the Fund with an agency level budget. The Mayor shall submit to the Council, as part of the annual budget, proposed budgets that include expenditures of the Enterprise Fund for stormwater programs, including intra-District funds sufficient to fulfill the MS4 Permit obligations of the Stormwater Agencies. The proposed budgets may include funding for large-scale, multiyear projects. The Mayor shall establish benchmark and performance-measure outcomes that connect stormwater programs with funding levels.

(c) All revenues, proceeds, and moneys collected from the stormwater user fee or from grants made for stormwater activities that are collected or received, shall be credited to the Enterprise Fund and shall not, at any time, be transferred to, lapse into, or be commingled with the General Fund of the District of Columbia, the Water and Sewer Authority General Fund, the Cash Management Pool, or any other funds or accounts of the District of Columbia.

(d) Monies from the Enterprise Fund shall only be used to fund the costs of complying with the MS4 Permit, including grants for stormwater activities, all administrative, operating, and capital costs of DC WASA and the agencies identified by the Director as having specific responsibilities under the, MS4 Permit and the Stormwater Administration established pursuant to § 8-152.01. The Enterprise Fund shall also be used for DC WASA's costs of billing and collecting the stormwater user fee, as authorized by subchapter I of Chapter 21 of Title 34 [§ 34-2101.01 et seq.].

(e) Monies shall not be disbursed from the Enterprise Fund for costs associated with:

(1) Stormwater management activities carried out prior to April 20, 2000, including street sweeping, except to the extent those activities were enhanced, and their costs increased to comply with the terms of the Stormwater Permit; or

(2) Stormwater management activities otherwise required by law or regulation, unless specifically permitted by the Director.

(f) Within 90 days of March 25, 2009, the Office of the Chief Financial Officer shall convene quarterly meetings to coordinate with the fiscal officers of the Stormwater Agencies to ensure that each agency can access the Enterprise Fund to implement its activities in a timely manner.

(Feb. 15, 2006, D.C. Law 16-51, § 152, as added Mar. 25, 2009, D.C. Law 17-371, § 2(b), 56 DCR 1353; Sept. 24, 2010, D.C. Law 18-223, § 1122, 57 DCR 6242; Sept. 26, 2012, D.C. Law 19-171, § 58(b), 59 DCR 6190.)

Section references. — This section is referenced in § 8-152.01.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction in (d).

Legislative history of Law 19-171. — See note to § 8-151.01.

§ 8-152.03. Stormwater User Fee Discount Program.

(a) Within one year of the enactment of an impervious area stormwater user fee by DC WASA, the Mayor shall establish a Stormwater User Fee Discount Program to be coordinated between DC WASA and the Administration.

(b) The program shall allow property owners who implement measures to manage stormwater runoff from their properties to receive a discount on the stormwater user fee assessed to them under § 34-2202.16.

(c) Stormwater user fee discounts approved by the Mayor shall be retroactive to no earlier than the date of the implementation of the impervious area stormwater fee. A property owner may not qualify for a stormwater user fee discount until the stormwater management measures for which they seek a discount are demonstrated to be fully functional.

(d) Any discount earned under this section will be revocable upon a finding by the Mayor of non-performance. Upon a finding of non-performance, the Mayor may require reimbursement of any portion of fees discounted to date.

(e) Findings of non-performance by the Mayor may be appealed by an applicant pursuant to rules established by the Mayor.

(f) Failure to reimburse may result in a lien being placed upon the property without further notice to the owner. The Mayor may enforce the lien in the same manner as in § 34-2407.02.

(Feb. 15, 2006, D.C. Law 16-51, § 153, as added Mar. 25, 2009, D.C. Law 17-371, § 2(b), 56 DCR 1353; Sept. 26, 2012, D.C. Law 19-171, § 58(c), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction in (f).

Legislative history of Law 19-171. — See note to § 8-151.01.

§ 8-152.05. Stormwater Advisory Panel.

(a) There is established within the District Department of the Environment a Stormwater Advisory Panel ("Panel"), pursuant to § 8-151.03(b)(2). The Panel shall coordinate the responsibilities of the agencies and DC WASA, and shall prepare comprehensive recommendations to the Council that identify the best means by which the District can meet or exceed all present and future federal regulatory and permit requirements, pertaining to the discharge of stormwater into receiving waters.

(b) The Panel shall be comprised of the executive officers with responsibilities pursuant to the MS4 Permit, with oversight responsibility for the administrative and financial aspects of stormwater management, or that engage in activities that impact the District's stormwater discharge:

(1) The members of the Panel shall be:

(A) The City Administrator;

(B) The Chief Financial Officer;

(C) The Director, who will serve as the Panel's Chair;

(D) The Stormwater Administrator;

(E) The Director of the Department of Transportation;

(F) The Director of the Department of Public Works;

(G) The Director of the Office of Planning;

(H) The Director of the Office of Public Education Facilities Modernization;

(I) The Director of the Department of General Services;

(J) The Director of the Department of Parks and Recreation; and

(K) The General Manager of DC WASA.

(2) The Director may designate additional members from other agencies whose activities impact the District's stormwater runoff.

(3) The Director shall engage and encourage participation from representatives of the Washington Metropolitan Area Transit Authority and the federal government, including the U.S. General Services Administration and the National Parks Service.

(c) The Panel shall hold its first meeting within 90 days of March 25, 2009. The Panel shall hold at least one public hearing to receive testimony from citizens with respect to the issues stated in subsection (e)(1) and (2) of this section.

(d) The Panel shall meet at least 2 times each year.

(e) The Panel shall provide its recommendations in the annual report required to be submitted to EPA Region III under the MS4 Permit. The report shall make specific findings on:

(1) Whether the existing allocation of stormwater management responsibilities among District agencies are capable of fulfilling or exceeding present and future regulatory requirements for stormwater discharge, and if not, what changes need to be made or new government entities created;

(2) Comprehensive recommendations, specific standards adopted, and steps implemented by the respective agency to fulfill or exceed its obligation to meet its share of federal regulatory and MS4 Permit requirements pertaining to the discharge of stormwater into receiving waters; and

(3) Whether the existing stormwater user fee structure and rates are equitable and sufficient for the District to fulfill or exceed its present and future regulatory requirements for stormwater discharge, and, if not, what changes in fee structure and rate would be required to fulfill these responsibilities.

(f) Within one year of March 25, 2009, the Panel shall provide to the Council and the Mayor a study of the needs for achieving water quality compliance from the District's stormwater runoff.

(g) Panel members shall ensure that their agencies participate in the Environmental Management System to track compliance with the District's MS4 Permit obligations and other stormwater management responsibilities required to reduce pollution to the District's waters.

(h) Within 120 days after March 25, 2009, the Panel shall establish a Technical Working Group ("TWG") of agency technical staff.

(1) The TWG shall consist of the following 14 members:

(A) Each Panel member shall appoint one member of the TWG.

(B) The Mayor, the Chairman of the Council of the District of Columbia, and the Chairman of the Council committee with oversight over the District

Department of the Environment shall each appoint one member; provided, that the appointees shall be non-agency stakeholders who are geographically diverse, and shall have expertise in stormwater management, land development, hydrology, natural resources conservation, environmental protection, environmental law, or other similar stormwater management expertise.

(2) TWG members shall serve a 2-year term, and without compensation.

(3) The Chairperson of the TWG shall be the Stormwater Administrator.

(4) The TWG shall attend monthly meetings with the Stormwater Administrator and coordinate tracking and reporting of stormwater management activities of their agencies' efforts. The TWG shall also:

(A) Advise the Panel on technical matters and respective agency MS4 Permit compliance requirements;

(B) Make recommendations to the Panel regarding existing District agency rules, regulations, and policies that might create barriers to the implementation of LID or stormwater best management practices in the District; and

(C) Suggest programmatic incentives for best management practices which were successfully implemented in other jurisdictions to promote the implementation of these stormwater management practices on new and existing properties in the District.

(5) DDOE shall provide staff assistance to the TWG.

(Feb. 15, 2006, D.C. Law 16-51, § 155, as added Mar. 25, 2009, D.C. Law 17-371, § 2(b), 56 DCR 1353; Sept. 26, 2012, D.C. Law 19-171, § 58(d), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Department of General Services" for "Office of Property Management" in (b)(1)(I); and validated the "March 25, 2009" date translation in the introductory language of (h).

Legislative history of Law 19-171. — See note to § 8-151.01.

Subchapter III. Product Limitation of Stormwater Management.

§ 8-153.01. Coal tar limitations.

(a) For the purposes of this section, the term "coal tar pavement product" means a material that contains coal tar and is for use on an asphalt or concrete surface, including a driveway or parking lot.

(b) No person shall sell, offer for sale, use, or permit to be used on property he or she owns, a coal tar pavement product.

(c)(1) Any person who violates this section shall be liable to the District for a civil penalty in an amount not to exceed $ 2,500 for each violation.

(2) For any violation, each day of the violation shall constitute a separate offense and the penalties prescribed shall apply separately to each offense.

(3) Adjudication of any infraction of this section shall be pursuant to Chapter 18 of Title 2 [§ 2-1801.01 et seq.].

(d) This section shall apply as of July 1, 2009.

(Feb. 15, 2006, D.C. Law 16-51, § 181, as added Mar. 25, 2009, D.C. Law

17-371, § 2(c), 56 DCR 1353; Sept. 26, 2012, D.C. Law 19-171, § 149(b), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "permit to be used on property" for "permit to be used, on property" in (b).

Legislative history of Law 19-171. — See note to § 8-151.01.

CHAPTER 2A. LEAD-HAZARD PREVENTION AND ELIMINATION.

§ 8-231.01. Definitions.

For the purposes of this chapter, the term:

(1) "Abatement" means any measure or a set of measures, except interim controls, that eliminates lead-based paint hazards by either the removal of paint and dust, the enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or covering of soil, and all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

(2) "Accredited training provider" means a training provider that has been approved by the Mayor to provide training for individuals who conduct lead-based paint activities.

(3) "Business entity" means a partnership, firm, company, association, corporation, sole proprietorship, government, quasi-government entity, nonprofit organization, or other business concern.

(4) "Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, which as part of its function receives children under the age of 6 on a regular basis, and is required to obtain a certificate of occupancy as a precondition to performing that function. The term "child-occupied facility" may include a preschool, and kindergarten classroom, and child development facility licensed under subchapter II of Chapter 20 of Title 7 [§ 7-2031 et seq.]. The location of a child-occupied facility as part of a larger structure does not make the entire structure a child-occupied facility. Only the portion of the facility occupied or regularly visited by children under age 6 shall be considered the child-occupied facility.

(5) "Clearance examination" is an evaluation of a property to determine whether the property is free of any deteriorated lead-based paint and underlying condition, or any lead-based paint hazard, underlying condition, lead-contaminated dust, and lead-contaminated soil hazards, that is conducted by a certified risk assessor, a lead-based paint inspector, or in accordance with limitations specified by statute or by rule, a dust sampling technician.

(6) "Clearance report" means a report issued by a risk assessor, a

lead-based paint inspector, or a dust sampling technician that finds that the area tested has passed a clearance examination, and that specifies the steps taken to ensure the absence of lead-based paint hazards, including confirmation that any encapsulation performed as part of a lead hazard abatement strategy was performed in accordance with the manufacturer's specifications.

(7) "Containment" means a system, process, or barrier used to contain lead-based paint hazards inside a work area.

(8) "Day" means a calendar day.

(9) "Deteriorated paint" means paint that is cracking, flaking, chipping, peeling, chalking, not intact, or otherwise separating from the substrate of a building component, except that pinholes and hairline fractures attributable to the settling of a building shall not be considered deteriorated paint.

(9A) "Dust action level" means the concentration of lead that constitutes a lead-based paint hazard for dust and requires lead-based paint hazard elimination.

(10) "Dust sampling technician" means an individual who:

(A) Has successfully completed an accredited training program;

(B) Has been certified to perform a visual inspection of a property to confirm that no deteriorated paint is visible at the property, and to sample for the presence of lead in dust for the purposes of certain clearance testing and lead dust hazard identification; and

(C) Provides a report explaining the results of the visual inspection and dust sampling.

(11) "Dwelling unit" means a room or group of rooms that form a single independent habitable unit for permanent occupation by one or more individuals, that has living facilities with permanent provisions for living, sleeping, eating, and sanitation. The term "dwelling unit" does not include:

(A) A unit within a hotel, motel, or seasonal or transient facility, unless such unit is or will be occupied by a person at risk for a period exceeding 30 days;

(B) An area within the dwelling unit that is secured and accessible only to authorized personnel;

(C) Housing for the elderly, or a dwelling unit designated exclusively for persons with disabilities, unless a person at risk resides or is expected to reside in the dwelling unit or visit the dwelling unit on a regular basis; or

(D) An unoccupied dwelling unit that is to be demolished; provided, that the dwelling unit will remain unoccupied until demolition.

(12) "EBL child" means a child with an elevated blood lead level.

(13) "Elevated blood lead level" means the concentration of lead in a sample of whole blood equal to or greater than 10 micrograms of lead per deciliter (μg/dL) of blood, or such more stringent standard as may be established by the U.S. Centers for Disease Control and Prevention as the appropriate level of concern, or adopted by the Mayor by rule.

(14) "Encapsulation" means the application of a covering or coating that acts as a barrier between the lead-based paint and the environment, and that relies for its durability on adhesion between the encapsulant and the painted surface and on the integrity of the existing bonds between paint layers and between the paint and the substrate.

(15) "Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate to act as a barrier between lead-based paint and the environment.

(16) "EPA" means the federal Environmental Protection Agency.

(17) "Exterior surfaces" means:

(A) All surfaces that are attached to the outside of a property;

(B) All structures that are appurtenances to a property;

(C) Fences that are a part of the property; and

(D) For a property within a multi-unit dwelling, all painted surfaces in stairways, hallways, entrance areas, recreation areas, laundry areas, and garages that are common to individual dwelling units or located on the property.

(18) "HUD" means the federal Department of Housing and Urban Development.

(19) "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

(20) "Lead-based paint" means any paint or other surface coating containing lead or lead in its compounds in any quantity exceeding 0.5% of the total weight of the material or more than one milligram per square centimeter (1.0 mg/cm^2), or such more stringent standards as may be specified in federal law or regulations promulgated by EPA or HUD, which shall be adopted by the Mayor by rule.

(21) "Lead-based paint activities" means the identification, risk assessment, inspection, abatement, use of interim controls, or elimination of lead-based paint, lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and all planning, project designing, and supervision associated with any of the these activities.

(22) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, deteriorated lead-based paint or presumed lead-based paint, or lead-based paint or presumed lead-based paint that is disturbed without containment.

(23) "Lead-based paint inspector" or "inspector" means an individual who has been trained by an accredited training provider and certified to conduct lead inspections. For the purpose of clearance testing, a certified lead-based paint inspector also samples for the presence of lead in dust and in bare soil.

(24) "Lead-contaminated dust" means surface dust based on a wipe sample that contains a mass per area concentration of lead equal to or exceeding:

(A) For dust action levels or for the purpose of clearance examination:

(i) 40 micrograms per square foot ("$\mu g/ft^2$") on floors; or

(ii) 250 $\mu g/ft^2$ on interior windowsills;

(B) For the purpose of clearance examination:

(i) 400 $\mu g/ft^2$ on window troughs; or

(ii) 800 μg/ft^2 on concrete or other rough exterior surfaces; or

(C) Such more stringent standards as may be:

(i)(I) Specified in federal law; or

(II) Specified in regulations promulgated by the United States Environmental Protection Agency or the United States Department of Housing and Urban Development; or

(ii) Adopted by the Mayor by rule.

(25) "Lead-contaminated soil" means bare soil on real property that contains lead in excess of 400 ppm, or such other more stringent level specified in federal law or regulations promulgated by EPA or HUD, and adopted by the Mayor by rule.

(26) "Lead-disclosure form" means the form developed by the Mayor for a property owner to disclose an owner's knowledge of any lead-based paint or of any lead-based paint hazards, and information about any pending actions ordered by the Mayor pursuant to this law, to tenants, purchasers, or prospective tenants or purchasers.

(27) "Lead-free property" means a property that contains no lead-contaminated soil, and the interior and exterior surfaces do not contain any lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm^2).

(28) "Lead-free unit" means a unit for which the interior and exterior surfaces appurtenant to the unit do not contain any lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm^2), and for which the approaches thereto remain lead-safe. The Mayor, by rule, may establish a method to ensure that approaches to lead-free units remain lead-safe.

(29) "Lead-safe work practices" means a prescribed set of activities that, taken together, ensure that any work that disturbs a painted surface on a structure constructed prior to 1978 generates a minimum of dust and debris, that any dust or debris generated is contained within the immediate work area, that access to the work area by non-workers is effectively limited, that the work area is thoroughly cleaned so as to remove all lead-contaminated dust and debris, and that all such dust and debris is disposed of in an appropriate manner, all in accordance with the methods and standards established by the Mayor by rule consistent with applicable federal requirements, as they may be amended.

(30) "Owner" means a person, firm, partnership, corporation, guardian, conservator, receiver, trustee, executor, legal representative, registered agent, or the federal government, who alone or jointly and severally with others, owns, holds, or controls the whole or any part of the freehold or leasehold interest to any property, with or without actual possession.

(31) "Person at risk" means a child under age 6 or a pregnant woman.

(32) "Presumed lead-based paint" means paint or other surface coating affixed to a component in or on a dwelling unit or child-occupied facility, constructed prior to 1978.

(33) "Relocation expenses" means reasonable expenses directly related to relocation to temporary replacement housing that complies with the requirements of this chapter, including:

(A) Moving and hauling expenses;

(B) Payment of a security deposit;

(C) The cost of replacement housing; provided, that the tenant continues to pay the rent on the dwelling unit from which the tenant has been relocated; and

(D) Installation and connection of utilities and appliances.

(34) "Renovation" means the modification of any existing structure or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement. The term "renovation" includes the removal, modification, or repair of painted surfaces or painted components, the removal of building components, weatherization projects, and interim controls that disturb painted surfaces.

(35) "Renovator" means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or by the District.

(36) "Risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of conditions conducive to lead poisoning, including:

(A) The gathering of information regarding the age and history of the housing and occupancy by persons at risk;

(B) A visual inspection of the property;

(C) Dust wipe sampling, soil sampling, and paint testing, as appropriate;

(D) Other activity as may be appropriate;

(E) Provision of a report explaining the results of the investigation; and

(F) Any additional requirements as determined by the Mayor.

(37) "Risk assessor" means an individual who has been trained by an accredited training program and certified to conduct risk assessments.

(38) "Underlying condition" means the source of water intrusion or other problem that is causing paint to deteriorate which may be damaging the substrate of a painted surface.

(Mar. 31, 2009, D.C. Law 17-381, § 2, 56 DCR 1596; Mar. 31, 2011, D.C. Law 18-348, § 2(a), 58 DCR 717; Sept. 26, 2012, D.C. Law 19-171, § 60(a), 59 DCR 6190.)

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 deleted the comma following "1978" in (29).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 8-231.02. Prohibitions.

(a) All dwelling units, common areas of multifamily properties, and child-occupied facilities constructed prior to 1978 shall be maintained free of lead-based paint hazards.

(b) No person shall apply a lead-based paint or glaze to any surface,

including the interior and exterior surfaces, of any residential, public, or commercial building, bridge, or other structure or superstructure, or on any paved surface.

(c) Notwithstanding any other provision of law, the District government may deny any license, registration, or permit relating to the use or occupancy of a child-occupied facility or dwelling unit to an owner of that property if the owner is in violation of this chapter.

(Mar. 31, 2009, D.C. Law 17-381, § 3, 56 DCR 1596; Mar. 31, 2011, D.C. Law 18-348, § 2(b), 58 DCR 717; Sept. 26, 2012, D.C. Law 19-171, § 60(b), 59 DCR 6190.)

Effect of amendments. The 2012 amendment by D.C. Law 19-171 deleted the comma following "1978" in (a).

Legislative history of Law 19-171. — See note to § 8-231.01.

§ 8-231.03. Risk reduction of lead-based paint hazards.

(a) Whenever a child under age 6 with an elevated blood lead level resides in, or regularly visits a dwelling unit or child-occupied facility in the District, or upon reasonable belief that any other property located in the District may have contributed to a child's lead exposure, the Mayor shall conduct a risk assessment of the appropriate properties, and the owner, occupant or owner's agent shall cooperate with and shall not impede the Mayor's conduct of such assessment.

(b) Upon reasonable belief, which may be based upon a request by a tenant or may be based on other information, that there is risk of a lead-based paint hazard in a dwelling unit, accessible common area, or child-occupied facility constructed before 1978, the Mayor shall take action, which may include a risk assessment, clearance examination, or visual examination of the dwelling unit, accessible common area, or child-occupied facility, and provide a report to the owner and the tenant.

(c) Whenever action taken by the Mayor pursuant to subsection (a) or (b) of this section identifies lead-based paint hazards, the Mayor shall determine the actions necessary to eliminate the lead-based paint hazards at the property, including abatement or interim controls, and may order the property owner to perform any action considered necessary by the Mayor to protect the health and safety of the occupants of the property, including relocation in accordance with subsection (d)(1)(D) of this section.

(d)(1) Upon receipt of an order from the Mayor described in subsection (c) of this section, the owner of the property shall:

(A) Perform the measures required by the Mayor to eliminate any lead-based paint hazards and underlying conditions;

(B) Obtain a permit from the Mayor, if the elimination of lead-based paint hazards and underlying conditions employs abatement;

(C) Ensure that any individual working to eliminate identified or presumed lead hazards:

(i) Abides by the work practice standards of § 8-231.11; and

(ii) Is trained in lead-safe work practices.

(D) Make temporary comparable alternative arrangements for the relocation of any person at risk who is a tenant residing at the property, as determined by the Mayor, in accordance with paragraph (2) of this subsection; and

(E) Reimburse the Mayor for the costs associated with conducting the risk assessment.

(2)(A) The owner shall pay all reasonable temporary relocation expenses that may be required until the dwelling unit has passed a clearance examination and a reasonable amount of time has passed to allow the tenant to return to the dwelling unit, unless a risk assessment report issued by the Mayor states that temporary tenant relocation is not necessary.

(B) The Mayor shall provide a tenant with a copy of any order by the Mayor regarding temporary relocation within 5 days of issue. Before any relocation of a tenant, the owner shall provide the tenant with at least 14 days of written notice, unless a shorter time period is ordered by the Mayor or agreed to by the owner and the tenant. The owner shall make all reasonable efforts to provide to the tenant as early as possible before the commencement of the proposed relocation the contact information and address of the temporary unit and a statement that the tenant has the a right to return to the unit at the conclusion of work to eliminate any lead-based paint hazards and underlying conditions, and under the same terms.

(C) The owner shall make all reasonable efforts to minimize the duration of any temporary relocation, and shall determine whether there are any appropriate temporary relocation units within the same housing accommodation.

(D) The owner shall make all reasonable efforts to ensure that the household is relocated to a dwelling unit that is in the same school district or ward, near public transportation, as appropriate.

(E) The tenant has a right to return to the unit under the same terms at the conclusion of the work to eliminate lead-based paint hazards.

(F) In lieu of relocation to a dwelling unit identified by the owner, the tenant may agree to make alternative arrangements for temporary relocation.

(3) The owner shall comply with requirements of this subsection within 30 days of receipt of a written order from the Mayor, unless otherwise directed on the notice. The 30-day time period may be extended by the Mayor, in increments of a maximum of 30 days, in response to a timely written request for extension from the owner or tenant, in such manner as required by the Mayor by rule; provided, that the Mayor shall extend the 30-day time period only if the owner has provided a good-faith basis for the request.

(4) Upon completion of the work ordered by the Mayor in subsection (c) of this section, the owner shall submit to the Mayor and any tenant a clearance report that has been completed by a risk assessor. If the elimination of lead-based paint hazards and underlying conditions employs interim controls, the Mayor may require that the owner submit to the Mayor a clearance report periodically, as determined by the Mayor, following the date of the initial clearance report.

(e) Nothing in this section shall be construed to interfere with tenants' rights under other District law. If the owner intends to substantially rehabil-

itate, demolish, or discontinue any housing accommodation to comply with the requirements of this chapter, the procedures set forth in §§ 42-3505.01 and 42-3507.01 shall apply.

(f) Whenever presumed lead-based paint is identified in an uncontained and non-intact condition, the Mayor shall be authorized to issue a Notice of Violation. A Notice of Violation shall include an order to repair non-intact presumed lead-based paint and its underlying cause using lead-safe work practices, and shall require production of a clearance report. Presumed lead-based paint may be rebutted by production of a lead-based paint inspection report from an inspector or risk assessor, affirming that such paint is not lead-based.

(Mar. 31, 2009, D.C. Law 17-381, § 4, 56 DCR 1596; Mar. 31, 2011, D.C. Law 18-348, § 2(c), 58 DCR 717; Sept. 26, 2012, D.C. Law 19-171, § 61(a), 59 DCR 6190.)

Section references. — This section is referenced in § 8-231.10.

Effect of amendments. The 2012 amendment by D.C. Law 19-171 made a technical correction to D.C. Law 18-348 which did not affect this section as codified.

Legislative history of Law 19-171. — See note to § 8-231.01.

§ 8-231.10. Certification requirements for individuals and business entities conducting lead-based paint activities.

(a) An individual or business entity shall obtain the appropriate certification from the Mayor by demonstrating compliance with subsections (b) or (c) of this section, as applicable, prior to conducting a lead-based paint activity, clearance examination, or renovation in any structure, built before 1978.

(b) An individual risk assessor, inspector, dust sampling technician, renovator, and supervisor shall submit proof to the Mayor that the individual has passed an examination required by the Mayor, or EPA-approved state program, for that discipline, and:

(1) A current appropriate certification from EPA or an EPA-approved state program; or

(2) Proof of the successful completion of an accredited training course and any required accredited review course.

(c) A business entity shall demonstrate to the satisfaction of the Mayor that all its employees and subcontractors conducting a lead-based paint activity, clearance examination, or renovation are:

(1) Certified pursuant to subsection (b) of this section;

(2) Comply with work practice rules established by the Mayor pursuant to this chapter; and

(3) Comply with all applicable federal and District laws, regulations, and rules governing the disposal of all waste containing lead.

(d) The Mayor may establish additional criteria and procedures for certification by rule.

(e) Certifications for lead-based paint activities shall expire 24 months from the date of issuance, or when otherwise determined by the Mayor. To maintain

certifications for dust sampling technicians, individuals shall complete a refresher course within 5 years from the date of initial issuance of the certification.

(f) Individuals and business entities seeking certification and certification renewal in the District shall pay a reasonable fee set by the Mayor. The Mayor, by rulemaking, may revise the certification and certification renewal fees as necessary to cover the administrative costs associated with the issuance of certificates and inspection of lead-based paint activities.

(g) Except with regard to persons conducting lead-based paint activities pursuant to § 8-231.03, who must always comply with the provisions of this section, exceptions to this section are limited to the following:

(1) Individuals who perform lead-based paint activities or renovations in a residence which they own; provided, that the residence is occupied solely by the owner or the owner's immediate family, and there is no person at risk residing therein;

(2) Performance of maintenance, repair, or renovation work involving lead-based paint that results in disturbances of lead-based paint in a total of 2 square feet or less of surface area per room, except for window removal or replacement, are de minimis activities that do not trigger certification requirements;

(3) Individuals who perform maintenance, repair, painting, and renovation work that does not disturb painted surfaces; and

(4) Individuals who perform risk assessment and lead-based paint inspections for litigation or other forensic purpose, in compliance with all work practice rules established by the Mayor pursuant to this chapter, by an individual who possesses the appropriate certification by EPA or an EPA-approved state program.

(Mar. 31, 2009, D.C. Law 17-381, § 11, 56 DCR 1596; Mar. 31, 2011, D.C. Law 18-348, § 2(h), 58 DCR 717; Sept. 26, 2012, D.C. Law 19-171, § 61(b), 59 DCR 6190.)

Section references. — This section is referenced in § 8-231.06.

Effect of amendments. The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction in (a).

Legislative history of Law 19-171. — See note to § 8-231.01.

§ 8-231.18a. Enforcement of housing code regulations.

The presence of loose or peeling paint in residential premises in violation of the housing code regulations codified in Title 14 of the District of Columbia Municipal Regulations which constitutes a lead-based paint hazard under this chapter, shall be enforced by the Mayor according to the provisions of this chapter.

(Mar. 31, 2009, D.C. Law 17-381, § 19a, as added Mar. 31, 2011, D.C. Law 18-348, § 2(l), 58 DCR 717; Sept. 26, 2012, D.C. Law 19-171, § 61(c), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Enforcement of housing code regulations" for "Conforming amendment" in the section heading as enacted by D.C. Law 18-348.

Legislative history of Law 19-171. — See note to § 8-231.01.

CHAPTER 4. PESTICIDE OPERATIONS.

§ 8-403. Pesticide applicators.

Section references. — This section is referenced in § 8-408.

Editor's notes. — Section 12(a) of D.C. Law 19-191 amended subsection (b) of this section.

Section 14(a) of D.C. Law 19-191 provided that §§ 1 through 5 and 8 through 13 of the act shall apply as of October 1, 2013.

§ 8-404. Registered employees.

Section references. — This section is referenced in § 8-401 and § 8-408.

Editor's notes. — Section 12(c) of D.C. Law 19-191 amended this section.

Section 14(a) of D.C. Law 19-191 provided that §§ 1 through 5 and 8 through 13 of the act shall apply as of October 1, 2013.

§ 8-411. Administration and enforcement; adoption of regulations.

Editor's notes. — Section 12(d) of D.C. Law 19-191 amended subsection (a) of this section.

Section 14(a) of D.C. Law 19-191 provided that §§ 1 through 5 and 8 through 13 of the act shall apply as of October 1, 2013.

§ 8-418. Penalties.

Editor's notes. — Section 12(e) of D.C. Law 19-191 amended this section.

Section 14(a) of D.C. Law 19-191 provided that §§ 1 through 5 and 8 through 13 of the act shall apply as of October 1, 2013.

SUBTITLE B. WASTE DISPOSAL AND MANAGEMENT.

CHAPTER 8. LITTER CONTROL ADMINISTRATION.

§ 8-802. Enforcement of regulations.

Section references. — This section is referenced in § 2-1831.03, § 8-803, § 8-807, § 8-808, § 8-811, § 8-812, and § 8-902.

Temporary legislation. — Section 4 of D.C. Law 19-181 amended (a)(1) to read as follows:

"(a) (1) The Mayor of the District of Columbia ('Mayor') shall enforce the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226; D.C. Official Code § 8-1001 et seq.), §§ 601, 603, 604, 605, 606(a), (c), and (h), 607(a), (b), (c), (d), (e), (f), (g), (h), and (j), 608(a),

609(a), and 612 of Chapter 3 in Title 8 of the District of Columbia Health Regulations, enacted June 29, 1971 (Reg. 71-21; 21 DCMR 700.1 et seq.), §§ 3, 4, 5, 6, and 7 of Solid Waste Collection: Containers to be Used, effective February 21, 1973 (19 DCR 497; 21 DCMR 708), a number of rules recorded in §§ 2221.6, 2407.12, and 2407.13 of 18 DCMR, §§ 101, 102, 103, 104, 900.7, 900.8, 900.10, 1000, 1001, 1002, 1005, 1008, 1009, 2000, 2001, 2002, and 2010 of 24 DCMR, and any rules relating to signs on public space issued pursuant to section 1 of An Act To regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, approved March 3, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.21)."

Section 8 of D.C. Law 19-181 provided that any order, rule, or regulation in effect under a law replaced by this act shall remain in effect until repealed, amended, or superseded.

Section 9 of D.C. Law 19-181 provided that sections 3, 4, 5, 6, and 7 of the act shall apply upon the Mayor's issuance of a comprehensive final rulemaking governing signs on public space and private property pursuant to section 2 of the act.

Section 11(b) of D.C. Law 19-181 provided that the act shall expire after 225 days of its having taken effect.

Emergency legislation.

For temporary (90 day) amendment of section, see § 4 of the Sign Regulation Emergency Amendment Act of 2012 (D.C. Act 19-387, July 11, 2012, 59 DCR 8491).

For temporary amendment of (a)(1), see § 4 of the Sign Regulation Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-499, October 26, 2012, 59 DCR 12749), applicable after the Mayor's issuance of a comprehensive final rulemaking governing signs on public space and private property, and with the condition that any order, rule, or regulation in effect under a law replaced by this act shall remain in effect until repealed, amended, or superseded.

§ 8-811. Identification of offenders.

(a) A person who is stopped by a police officer or other officials authorized by the Mayor to enforce the regulations listed in § 8-802(a)(1) after the person has committed a violation of these regulations shall be required to inform the officer or other authorized official of his or her true name and address for the sole purpose of including that information on a notice of violation; provided, that no person shall be required to possess or display any documentary proof of his or her name or address in order to comply with the requirements of this section.

(b) A person who refuses to provide his or her true name and address to a police officer or other officials authorized by the Mayor to enforce the regulations listed in § 8-802(a)(1) upon request after having been stopped for committing a violation of these regulations shall, upon conviction, be fined not less than $100 nor more than $250.

(Mar. 25, 1986, D.C. Law 6-100, § 12, as added Mar. 20, 2009, D.C. Law 17-314, § 2(b), 56 DCR 200; redesignated as § 11a, Sept. 26, 2012, D.C. Law 19-171, § 59(a), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 redesignated D.C. Law 6-100, § 12 as D.C. Law 6-100, § 11a.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 8-812. Annual reporting requirement.

(a) The Mayor shall submit to the Council statistics on the number of

notices of infractions and violations issued for violation of regulations listed in § 8-802(a)(1), and the number of notices subsequently dismissed.

(b) The statistics shall identify, by Metropolitan Police Department district, the number of notices issued and dismissed

(c) Statistics shall be provided on a calendar-year basis and shall be transmitted to the Council by January 31st, with the first report due January 31, 2010.

(Mar. 25, 1986, D.C. Law 6-100, § 13, as added Mar. 20, 2009, D.C. Law 17-314, § 2(b), 56 DCR 200; redesignated as § 11b, Sept. 26, 2012, D.C. Law 19-171, § 59(b), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 redesignated D.C. Law 6-100, § 13 as D.C. Law 6-100, § 11b

Legislative history of Law 19-171. — See note to § 8-811.

CHAPTER 10. SOLID WASTE MANAGEMENT AND MULTI-MATERIAL RECYCLING.

Subchapter II. Solid Waste Facility Permits.

§ 8-1051. Definitions.

Section references. — This section is referenced in § 8-105.02.

LAW REVIEWS AND JOURNAL COMMENTARIES

Untying the Hands of D.C. : Ways to Avoid Constitutional Conflicts While Addressing Solid Waste Disposal. Janell De Gennaro, 7 U.D.C.L.Rev. 47 (2003).

§ 8-1057. Solid waste facility charge.

LAW REVIEWS AND JOURNAL COMMENTARIES

Untying the Hands of D.C. : Ways to Avoid Constitutional Conflicts While Addressing Solid Waste Disposal. Janell De Gennaro, 7 U.D.C.L.Rev. 47 (2003).

§ 8-1060. Remedies and penalties.

LAW REVIEWS AND JOURNAL COMMENTARIES

Untying the Hands of D.C. : Ways to Avoid Constitutional Conflicts While Addressing Solid Waste Disposal. Janell De Gennaro, 7 U.D.C.L.Rev. 47 (2003).

SUBTITLE D-I. ENERGY CONSERVATION.

Chapter 17M1. Commercial Energy Conservation.

§ 8-1771.01. Definitions.

For the purposes of this chapter, the term:

(1) "Air conditioner" means an appliance, system, or mechanism designed to remove heat and humidity from ambient air for thermal comfort.

(2) "Chain of stores" means 2 or more stores located within the District that are engaged in the same general field of business under the same business name or that operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

(3) "Commercial property" means income-producing property as identified under zoning classifications that would allow for uses such as office buildings, retail stores, and service facilities pursuant to Chapter 7 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR § 700 et seq.); provided, that the term "commercial property" shall not include a small store, hotel, or restaurant.

(4) "Person" means:

(A) The owner or lessee of the portion of a commercial building or structure that is a retail or wholesale establishment that sells goods or provides services to consumers; and

(B) The record owner or lessee of any other portion of a commercial building or structure.

(5) "Small store" means a retail or wholesale establishment that sells goods or provides services to consumers and occupies less than 4,000 square feet of retail or wholesale space, excluding storage space, and is not one of a chain of stores.

(Mar. 19, 2013, D.C. Law 19-252, § 201, 59 DCR 14932.)

Legislative history of Law 19-252. — 19-252, the "Energy Innovation and Savings Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-749. The Bill was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 7, 2012, it was assigned Act No. 19-562 and transmitted to Congress for its review. D.C. Law 19-252, became effective on March 13, 2013.

Editor's notes. — Section 301 of D.C. Law 19-252 provided that the Mayor shall issue rules to implement the provisions of the act within 180 days of its effective date [March 13, 2013].

§ 8-1771.02. Commercial property energy conservation.

A commercial property shall keep exterior doors and windows closed when an air conditioner that cools the adjacent area is in operation, except:

(1) During a reasonable period of ingress and egress of people or the delivery or shipping of goods;

(2) Where the door is intended for vehicular access to or for a loading dock;

(3) When an emergency situation exists requiring an exterior door or window to be kept open; or

(4) When a commercial property implements an alternative strategy authorized by the Mayor through regulation as a reasonably equivalent means of conserving energy.

(Mar. 19, 2013, D.C. Law 19-252, § 202, 59 DCR 14932.)

Section references. — This section is referenced in § 8-1771.03.

Legislative history of Law 19-252. — See note to § 8-1771.01.

§ 8-1771.03. Penalties.

(a) If the Mayor determines that a violation of this chapter has occurred, the person in violation shall be subject to the penalties set forth in this section.

(b) The Mayor shall impose a penalty on retail establishments in violation of this chapter, which shall be a class 4 infraction under the schedule of fines in Chapter 32 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3200 et seq.)

(c) Retail establishments shall not be fined more than once in a 24-hour period for a violation of § 8-1771.02.

(d) If payment of any amounts due under this section is not received by or before the due date, a penalty shall be added as provided by the Mayor through rulemaking.

(e) A violation of this chapter shall be a civil infraction for purposes of Chapter 18 of Title 2 [§ 2-1801.01 et seq.] ("Civil Infractions Act"). Civil fines, penalties, and fees may be imposed as sanctions for an infraction of the provisions of this chapter, or the rules issued under authority of this chapter, pursuant to the Civil Infractions Act. Adjudication of infractions shall be pursuant to the Civil Infractions Act.

(f) The enforcement of this chapter shall be administered by the Director of the District Department of the Environment.

(Mar. 19, 2013, D.C. Law 19-252, § 203, 59 DCR 14932.)

Legislative history of Law 19-252. — See note to § 8-1771.01.

CHAPTER 17N. SUSTAINABLE ENERGY.

Subchapter I. General Provisions

Subchapter II. Management of Sustainable Energy Programs

Subchapter I. General Provisions.

§ 8-1773.01. Definitions.

For the purposes of this chapter, the term:

(1) "Commission" means the Public Service Commission.

(2) "District Department of the Environment," "DDOE," or "Energy Office" means the District Department of the Environment Energy Office.

(3) "Electric company" shall have the same meaning as in § 34-207.

(4) "Energy Assistance Trust Fund" or "EATF" means the Energy Assistance Trust Fund established under § 8-1774.11.

(5) "Existing electricity programs" means those programs operated by the District Department of the Environment under the names "Weatherization Plus," "Low Income Appliance Replacement Program," and "Weatherization and Rehabilitation."

(6) "Existing low-income programs" means those programs operated under the names "LIHEAP Expansion and Energy Education" and "Residential Essential Service Expansion and Awareness Program."

(7) "Existing natural gas programs" means those programs proposed or operated by the District Department of the Environment under the names "Heating System Repair, Replacement, and Tune-Up Program," "Residential Weatherization and Efficiency Program," "Energy Awareness Program". and "Saving Energy in D.C. Schools."

(8) "Fiscal Agent" means the Office of the Chief Financial Officer.

(9) "Gas company" shall have the same meaning as in § 34-209.

(10) "Green-collar jobs" means jobs in the environmental sector of the economy which jobs may involve the implementation of environmentally-conscious design, policy, or technology.

(11) "OIML" means the International Association of Legal Metrology.

(12) "Request for Proposals" or "RFP" means the request for proposals prepared by the District Department of the Environment for the SEU.

(13) "Residential Aid Discount" means the utility discount program offered by the electric company to low-income electricity customers in the District of Columbia.

(14) "Residential Essential Service" means the utility discount program offered by the gas company to low-income natural gas customers in the District of Columbia.

(15) "Solar thermal systems" means systems which utilize the sun's radiation to efficiently heat fluids or air.

(16) "SRCC" means the Solar Rating and Certification Corporation.

(17) "Substantial improvement" has the same meaning as in section 202 of Title 12J of the District of Columbia Municipal Regulations (12J DCMR § 202).

(18) "Sustainable Energy Trust Fund" or "SETF" means the Sustainable Energy Trust Fund established under § 8-1774.10.

(19) "Sustainable Energy Utility" or "SEU" means the private contractor selected to develop, coordinate, and provide programs for the purpose of promoting the sustainable use of energy in the District of Columbia.

(20) "Sustainable Energy Utility Advisory Board", "Advisory Board", or "Board" means the board established under § 8-1774.03 that advises the DDOE on the procurement of the contract with the SEU and monitors the progress of the SEU under its contract.

(21) "Temporary electricity programs" means those programs operated by the District Department of the Environment under the names "Affordable Housing Energy Efficient Rebate Program", "Weatherization Rehabilitation Asset Partnership", and "Home Energy Rating System".

(22) "Utility or energy company" means a company distributing, supplying, or transmitting electricity or natural gas in the District of Columbia.

(Oct. 22, 2008, D.C. Law 17-250, § 101, 55 DCR 9225; July 23, 2010, D.C. Law 18-195, § 2(a), 57 DCR 4519; Sept. 26, 2012, D.C. Law 19-171, § 62(a), 59 DCR 6190.)

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 substituted "Green-collar" for "Green collar" in (10); and validated previously made technical corrections in (3) and (22).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Subchapter II. Management of Sustainable Energy Programs.

§ 8-1774.09. Renewable energy incentive program.

Section references. — This section is referenced in § 8-1774.05, § 8-1774.10, and § 47-1803.02.

Emergency legislation.

For temporary amendment of (c), see § 2(a) of the Renewable Energy Incentive Program Emergency Amendment Act of 2012, (D.C. Act 19-569, December 18, 2012, 59 DCR 15068), applicable upon the inclusion of its fiscal effect in an approved budget and financial plan.

For temporary amendment of (c)(7), see § 2(b) of the Renewable Energy Incentive Program Emergency Amendment Act of 2012, (D.C. Act 19-569, December 18, 2012, 59 DCR 15068), applicable upon the inclusion of its fiscal effect in an approved budget and financial plan.

§ 8-1774.10. Definitions.

(a)(1) There is established as a nonlapsing fund the Sustainable Energy Trust Fund, which shall be used solely for the purposes stated in subsection (c) of this section. The Sustainable Energy Trust Fund shall be funded by an assessment on the natural gas and electric companies under subsection (b) of this section and from the sale of credits associated with the Regional Greenhouse Gas Initiative or any successor program. All funds collected from these sources shall be deposited into the SETF and shall be disbursed by the Fiscal Agent.

(2) All funds deposited into the Sustainable Energy Trust Fund, and any interest earned on the funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes

set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(b)(1) There is imposed upon the natural gas company an assessment calculated on sales on a per-therm basis as follows:

(A) The amount of $.011 in fiscal year 2009;

(B) The amount of $.012 in fiscal year 2010;

(C) The amount of $.014 in fiscal year 2011 and each year thereafter.

(2) There is imposed upon the electric company an assessment calculated on sales on a per-kilowatt hour basis as follows:

(A) The amount of $.0011 in fiscal year 2009;

(B) The amount of $.0013 in fiscal year 2010;

(C) The amount of $.0015 in fiscal year 2011 and each year thereafter.

(3) The assessments shall be paid to the Fiscal Agent before the 21st day of each month, beginning in November, 2008, or the 1st full month following October 22, 2008, whichever is later, for sales for the preceding billing period.

(4) The assessment shall be applied to the sale of every kilowatt hour and therm in the District, except to those sold to residents participating in the Residential Essential Service or Residential Aid Discount programs established by the Commission.

(5) Nothing in this subchapter shall be construed to prohibit the electric company or natural gas company from recovering the assessment imposed under paragraphs (1) and (2) of this section, respectively, in its rates as a surcharge on customers' bills.

(c) The funds in the Sustainable Energy Trust Fund shall be used solely to fund:

(1) The SEU contract in the following amounts:

(A) The amount of $7.5 million in the 1st year of the contract;

(B) The amount of $15 million in the 2nd year of the contract;

(C) The amount of $17.5 million in the 3rd year of the contract; and

(D) The amount of $20 million in the 4th and each subsequent year of the initial contract, and for each year of any subsequent contract;

(2) The administration of the SEU contract by DDOE, on an annual basis, equal to 10% of the authorized contract level in that fiscal year;

(3) An independent review of the performance of the SEU under § 8-1774.05(k) in the amount of $100,000 annually, beginning in fiscal year 2012;

(4) The activities of the SEU Advisory Board under § 8-1774.03 in the amount of $9,800 annually;

(5) Existing electricity programs in the amount of $2.375 million for fiscal year 2011;

(6) Existing natural gas programs in the amount of $1.073 million for fiscal year 2011;

(7) Renewable energy incentive program under § 8-1774.09 in the amount of $1.106 million for fiscal year 2011 and $2 million in fiscal year 2012, of which up to $20,000 annually may be used to pay for the installation of monitoring and communications systems; and

(8) Weatherization, appliance replacement, and healthy homes programs for fiscal year 2013 in the amount of $2 million.

(d) If, at the beginning of a fiscal year, the fund balance of the SETF exceeds the projected annual cost of all programs pursuant to subsection (c) of this section in that fiscal year by at least $10 million, the Fiscal Agent shall suspend payment and the collection of the SETF assessment, until such excess is estimated by the Fiscal Agent to be $5 million.

(e) The DDOE shall submit to the Council a quarterly report detailing:

(1) Expenditures from the SETF; and

(2) The performance of SETF programs operated by the DDOE.

(Oct. 22, 2008, D.C. Law 17-250, § 210, 55 DCR 9225; July 23, 2010, D.C. Law 18-195, § 2(b), 57 DCR 4519; D.C. Law 18-223, § 6072, Sept. 24, 2010, 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 612(b), 58 DCR 1008; Sept. 20, 2012, D.C. Law 19-168, § 6072, 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 62(b), 59 DCR 6190.)

Section references. — This section is referenced in § 8-1773.01, § 8-1774.02, § 8-1774.07, and § 8-1774.09.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 added (c)(8); and made a related change.

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction in (c)(3).

Emergency legislation.

For temporary amendment of (c)(7), see § 2(b) of the Renewable Energy Incentive Program Emergency Amendment Act of 2012, (D.C. Act 19-569, December 18, 2012, 59 DCR 15068), applicable upon the inclusion of its fiscal effect in an approved budget and financial plan.

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Legislative history of Law 19-171. — See note to § 8-1773.01.

CHAPTER 17P. SMART LIGHTING.

Sec.
8-1776.02. Smart lighting study.

§ 8-1776.02. Smart lighting study.

(a) Within 270 days after March 3, 2010, DDOE shall submit a report to the Council recommending strategies and standards for optimal lighting methods and levels in the District. The report shall address:

(1) Public safety;

(2) Energy efficiency;

(3) Cost efficiency;

(4) Effects on environmental health; and

(5) Aesthetics.

(b) In producing the report required by subsection (a) of this section, DDOE shall:

(1) Consult with civil servants who have technical expertise and work for the Office of Planning, the Department of General Services, the Department of Housing and Community Development, the District Department of Transpor-

tation, the Metropolitan Police Department, the Fire and Emergency Medical Services Department, and appropriate federal authorities, including the General Services Administration, the Architect of the Capitol, and the National Capital Planning Commission;

(2) Solicit input from the public; and

(3) Evaluate recognized lighting standards, including standards promulgated by the Illuminating Engineering Society and the International Dark Sky Association.

(Mar. 3, 2010, D.C. Law 18-111, § 1042, 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 63, 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Department of General Services" for "Office of Property Management" in (b)(1).

Legislative history of Law 19-171. — See note to § 8-1773.01.

CHAPTER 17R. ENERGY EFFICIENCY FINANCING.

Subchapter II. Bond Financing

Subchapter II. Bond Financing.

§ 8-1778.25. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for the purposes of federal income taxation.

(e) Chapter 3A of Title 2 [§ 2-351.01 et seq.] shall not apply to any contract that the Mayor may from time to time enter into, or the Mayor may determine to be necessary or appropriate, for purposes of this subchapter.

(May 27, 2010, D.C. Law 18-183, § 205, 57 DCR 3406; Sept. 26, 2012, D.C. Law 19-171, § 224(a), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Chapter 3A of Title 2" for "§ 2-301.01 et seq." in (e).

Legislative history of Law 19-171. — See note to § 8-1773.01.

Subchapter III. National Capital Energy Fund and Energy Efficiency Loan Program.

§ 8-1778.45. Authority to retain administrator.

(a) The Mayor may contract with an administrator to administer the Energy Efficiency Loan program created by this subchapter.

(b) Chapter 3A of Title 2 [§ 2-351.01 et seq.] shall not apply to the contract authorized by subsection (a) of this section until 3 years after May 27, 2010.

(May 27, 2010, D.C. Law 18-183, § 305, 57 DCR 3406; Sept. 26, 2012, D.C. Law 19-171, § 224(b), 59 DCR 6190.)

Section references. — This section is referenced in § 8-1778.01.

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Chapter 3A of Title 2" for "§ 2-301.01 et seq." in (b).

Legislative history of Law 19-171. — See note to § 8-1773.01.

SUBTITLE E. ANIMAL CONTROL AND PROTECTION.

CHAPTER 18. ANIMAL CONTROL.

Subchapter I. General Provisions

Subchapter IV. Commercial Guard Dogs

Subchapter I. General Provisions.

§ 8-1804. Licenses and fees.

(a) For purposes of this section, "owner" shall not include:

(1) A licensed veterinary hospital;

(2) A licensed pet shop; and

(3) An incorporated animal welfare agency not engaged in the sale of animals.

(b) An owner who has a dog over the age of 4 months shall before July 1st of each year, or within 10 days of acquiring the dog, or within 10 days after the

dog becomes 4 months of age, obtain an annual license. An owner shall ensure that his dog wears a collar and a license.

(c) Before any annual license may be issued, the owner of the dog shall have the dog vaccinated against rabies and distemper, and shall pay any outstanding fines.

(d) Repealed.

(e) The annual license fees for dogs is as follows:

(1) No fee for a dog trained as a service animal and actually used for the purpose of assisting a person with a physical or sensory impairment, such as a vision or hearing impairment;

(2) $15 for a male or female dog certified by a licensed veterinarian as neutered or spayed or certified as incapable of enduring spaying or neutering; and

(3) $50 for all other dogs.

(e-1) All the fees collected pursuant to subsection (e) of this section shall be deposited in the General Fund of the District of Columbia.

(f) The Mayor may periodically revise the schedule of fees by rulemaking.

(g) No license may be transferred from 1 dog to another.

(h) Any license issued pursuant to this section may be issued by the Department of Health or by a veterinarian licensed in the District of Columbia pursuant to § 3-512.02. A veterinarian may collect an additional $2 for each license issued as reimbursement for administrative costs.

(i) Repealed.

(j)(1) There is established as a nonlapsing fund the Sterilization Fund ("Fund"), which shall be used solely for the purposes set forth in this subsection.

(2) Deposits into the Fund shall include:

(A) Two dollars from each fee paid for the application, issuance, or renewal of a dog license;

(B) Funds authorized by an act of Congress, a reprogramming, or an intra-District transfer to be deposited into the Fund;

(C) Any other monies designated by law or regulation to be deposited into the Fund;

(D) Interest on money deposited in the Fund.

(3) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (d) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(4)(A) Monies in the Fund shall be used to subsidize sterilization of cats and dogs owned by persons within the District of Columbia.

(B) The Mayor may issue grants to appropriate animal welfare organizations that are experienced in subsidized sterilization efforts.

(Oct. 18, 1979, D.C. Law 3-30, § 5, 26 DCR 765; Mar. 17, 1993, D.C. Law 9-236, § 2(a), 40 DCR 614; Sept. 26, 1995, D.C. Law 11-52, § 101, 42 DCR 3684; Apr.

20, 1999, D.C. Law 12-261, § 2004, 46 DCR 3142; Apr. 24, 2007, D.C. Law 16-305, § 30, 53 DCR 6198; Dec. 5, 2008, D.C. Law 17-281, § 104(c), 55 DCR 9186; Sept. 14, 2011, D.C. Law 19-21, § 9073, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 8005, 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 64, 59 DCR 6190.)

Section references. — This section is referenced in § 8-1801, § 8-1806, and § 8-1807.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 repealed (i).

The 2012 amendment by D.C. Law 19-171 substituted "this subsection" for "subsection (d) of this section" in (j)(1).

Emergency legislation.

For temporary (90 day) amendment of section, see § 8005 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 8005 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Editor's notes. — Section 8010 of D.C. Law 19-168 provided that §§ 8002, 8003, 8004, 8005, 8006, and 8007 of the act shall apply as of September 14, 2011.

§ 8-1808. Prohibited conduct.

Section references. — This section is referenced in § 8-1802.

Temporary legislation. — Section 2 of D.C. Law 19-209 added (h)(6) to read as follows:

"(h)

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"(6) Paragraph (1) of this subsection shall not apply to educational institutions that possess animals for educational and instructional purposes and that otherwise comply with humane, sanitary, and safe treatment requirements, as set forth in section 502 of the Animal Protection Amendment Act of 2008, effective December 5, 2008 (D.C. Law 17-281; D.C. Official Code § 8-1851.02)."

Section 4(b) of D.C. Law 19-209 provided that the act shall expire after 225 days of its having taken effect.

Emergency legislation.

For temporary addition of (h)(6), see § 2 of the Classroom Animal for Educational Purposes Clarification Emergency Amendment Act of 2012 (D.C. Act 19-466, October 5, 2012, 59 DCR 11767).

For temporary addition of (h)(6), see § 2 of the Classroom Animal for Educational Purposes Clarification Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-624, January 18, 2013, 60 DCR 1344), applicable as of January 3, 2013.

Subchapter IV. Commercial Guard Dogs.

§ 8-1841.09. Rules.

The Mayor shall issue rules to implement the provisions of this subchapter.

(Dec. 5, 2008, D.C. Law 17-281, § 409, 55 DCR 9186; Sept. 26, 2012, D.C. Law 19-171, § 65, 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "this subchapter" for "this section."

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

CHAPTER 19. DANGEROUS DOGS.

Sec.
8-1902. Determination of a potentially dangerous or dangerous dog.

§ 8-1902. Determination of a potentially dangerous or dangerous dog.

(a) The Mayor is authorized to conduct an investigation and make a determination as to whether a dog is a potentially dangerous or dangerous dog. In determining whether a dog is a potentially dangerous or dangerous dog, the Mayor shall consider all evidence obtained or presented to the Mayor relevant to the issue of whether the dog's behavior was the result of provocation or otherwise justified under the circumstances.

(b)(1) A dog shall not be determined to be a potentially dangerous or dangerous dog if the dog injured:

(A) A person who, at the time of injury, was committing a willful trespass upon the premises lawfully occupied by the owner;

(B) A person who, at the time of injury, was provoking, tormenting, abusing, or assaulting the dog or has repeatedly, in the past, provoked, tormented, abused, or assaulted the dog;

(C) A person or domestic animal because, at the time of injury, the dog was responding to injury, or was protecting itself or its offspring; or

(D) A person or domestic animal because, at the time of injury, the dog was protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

(2) The burden of proof on establishing that the dog falls into one of the categories described in paragraph (1) of this subsection is on the owner.

(c) The Mayor shall provide notice of the determination to the owner by personal service, posting, or prepaid mail. The owner may contest the determination and request a hearing by filing a written appeal within 15 business days of the date the notice of determination is served, posted, or mailed. The Mayor shall provide reasonable notice of the hearing to the owner.

(d)(1) If the Mayor has probable cause to believe a dog is a potentially dangerous or dangerous dog and may pose a threat to public safety, the Mayor, after providing notice to the owner of the probable cause determination, may obtain a search warrant pursuant to Rule 204 of the Superior Court of the District of Columbia Rules of Civil Procedure and impound the dog pending final disposition of the case.

(2) The owner shall be liable to the District for the costs and expenses of the impoundment of the dog unless the dog is determined to be neither a potentially dangerous or dangerous dog. If a dog is determined to be a potentially dangerous or dangerous dog, the owner, prior to reclaiming the dog in accordance with § 8-1903, shall reimburse the animal control agency its costs and expenses for the care of the dogs while in the animal control agency's custody plus any reasonable veterinary fees incurred for the dog during the period of impoundment. An owner's failure to pay the costs and expenses within 5 days of a final determination shall result in ownership of the dog reverting to the animal control agency.

(e)(1) The hearing shall be held not less than 5, and not more than 10 days, excluding holidays, Saturdays, and Sundays, after service of notice of the hearing upon the owner. The hearing shall be open to the public. The owner shall have the opportunity to present evidence as to why the dog should not be declared a potentially dangerous or dangerous dog, including evidence of provocation or justification pursuant to subsection (b) of this section, or not be determined to pose a threat to public safety if returned to its owner. The Mayor may decide all issues for or against the owner regardless of whether the owner appears at the hearing.

(f) Within 5 days after the hearing, the Mayor shall notify the owner in writing of the determination of the hearing officer.

(g)(1) Within 5 days of the issuance of an order by the hearing officer determining that the dog is a potentially dangerous or dangerous dog, the owner may bring a petition in the Superior Court of the District of Columbia seeking review of the determination.

(2) A court order vacating the determination shall not prevent the Mayor from later determining that the dog is a potentially dangerous or dangerous dog or poses a threat to public safety, based upon the dog's subsequent behavior.

(Oct. 18, 1988, D.C. Law 7-176, § 3, 35 DCR 4787; Dec. 5, 2008, D.C. Law 17-281, § 105(b), 55 DCR 9186; Sept. 26, 2012, D.C. Law 19-171, § 66, 59 DCR 6190.)

Section references. — This section is referenced in § 8-1901 and § 8-1903.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 substituted "subsection (b) of this section" for "§ 8-1902(b)" in (e)(1).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

CHAPTER 20. HORSE-DRAWN CARRIAGES.

Sec.

§ 8-2002. Horse-drawn carriage trade regulation.

(a) It shall be unlawful to operate a horse-drawn carriage trade in the District without a license and an identification card issued by the Mayor.

(b) Upon application on a form devised by the Mayor and the payment of a fee not to exceed $100, a person may be issued a license to operate a horse-drawn carriage trade in the District.

(c) Upon application on a form devised by the Mayor and the payment of a fee not to exceed $30, an owner, operator, or custodian may be issued an identification card for each horse used in the operation of a horse-drawn carriage trade in the District.

(d) No person shall drive or otherwise operate a carriage engaged in the horse-drawn carriage trade unless he or she:

(1) Is 18 years of age;

(2) Has received at least 35 hours of training in the operation of a horse-drawn carriage as provided and certified in writing by the owner or operator of a horse-drawn carriage trade, 15 hours of which shall include an apprenticeship under the supervision of a licensed horse-drawn carriage driver;

(3) Presents a statement from a licensed physician that certifies that he or she is in good physical condition and is free of visual impairment not corrected by eyeglasses or contact lenses, epilepsy, vertigo, or other medical disabilities which may substantially impair his or her ability to operate a horse-drawn carriage or to control a horse; and

(4) Has completed a written examination devised by the Mayor which shall include, but shall not be limited to:

(A) Knowledge of the traffic laws and regulations, including passage of the written portion of the driver's license test;

(B) Proper equine grooming, care, equipment, nutrition, and first aid; and

(C) Operation of a horse-drawn carriage.

(e) No person shall drive or operate a horse-drawn carriage on any public street or byway in the District:

(1) Between the hours of 5:00 a.m. and 10:00 a.m., on Monday through Friday, excluding legal holidays;

(2) Between the hours of 4:00 p.m. and 6:30 p.m., on Monday through Friday, excluding legal holidays, provided however, that this restriction shall not apply to the area bounded by 15th Street, N.W., on the West, Jefferson Drive, N.W., on the South, 1st Street, N.W., on the East, and Madison Drive, N.W., on the North;

(3) Between the hours of 1:30 a.m. and 5:00 a.m. on any day; and

(4) On any day or at any time that the Chief of the Metropolitan Police Department makes a specific determination that the horse-drawn carriage trade would be inconsistent with other special events or public safety requirements.

(f) The driver of a horse-drawn carriage shall:

(1) Possess and display at all times his or her license to operate a horse-drawn carriage in the front and passenger compartments of the carriage;

(2) Possess a valid identification card issued by the Mayor;

(3) Obey and observe all traffic laws;

(4) Not smoke, eat, drink, or wear headphones while the carriage is in motion;

(5) Not drive the carriage at a speed that exceeds a walk, except as necessary to cross a traffic intersection or to refrain from impeding traffic;

(6) Leave the horse-drawn carriage unattended at any time;

(7) Not drive the carriage at any time when a passenger is standing in the carriage or not seated securely inside of the carriage;

(8) Maintain both hands on the reins and be seated at all times the carriage is in motion; and

(9) Provide humane care and treatment of the horse under his or her direct supervision and control at all times.

(g) Any license issued pursuant to this section shall be issued as an Inspected Sales and Services endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47.

(Mar. 7, 1991, D.C. Law 8-224, § 3, 38 DCR 207; Apr. 20, 1999, D.C. Law 12-261, § 2003(j), 46 DCR 3142; Oct. 28, 2003, D.C. Law 15-38, § 3(o), 50 DCR 6913; Sept. 26, 2012, D.C. Law 19-169, § 19, 59 DCR 5567.)

Effect of amendments.

The 2012 amendment by D.C. Law 19-169 substituted "visual impairment" for "defective vision" in (d)(3).

Legislative history of Law 19-169. — Law 19-169, the "People First Respectful Language Modernization Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-189. The Bill was adopted on first and second readings on Mar. 6, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-361 and transmitted to Congress for its review. D.C. Law 19-169 became effective on Sept. 26, 2012.

Editor's notes. — Section 35 of D.C. Law 19-169 provided that no provision of the act shall impair any right or obligation existing under law.

CHAPTER 21A. VECTOR-BORNE INFECTIOUS DISEASES CONTROL.

Subchapter II. Mosquito Control and Abatement

Sec.

8-2141.01. Annual mosquito control and abatement plan.

Subchapter II. Mosquito Control and Abatement.

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

§ 8-2141.01. Annual mosquito control and abatement plan.

Beginning March 31, 2013, and annually thereafter, the Department of Health shall develop and submit to the Council a mosquito-abatement plan, delineated by ward, for the following fiscal year to prevent and abate the infestation of mosquitoes, which shall, at a minimum, include a:

(1) Determination of which wards are in greatest need of mosquito abatement;

(2) Plan of action to eliminate the habitats of immature mosquitoes and control immature and adult mosquitoes;

(3) Plan to ensure that eradication measures are not injurious to pets or wildlife; and

(4) Delineation of the costs associated with the entire plan.

(Sept. 20, 2012, D.C. Law 19-168, § 5022, 59 DCR 8025.)

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

TITLE 9. TRANSPORTATION SYSTEMS.

SUBTITLE I. HIGHWAYS, BRIDGES, STREETS, AND ALLEYS.

SUBTITLE II. AIRPORTS.

SUBTITLE I. HIGHWAYS, BRIDGES, STREETS, AND ALLEYS.

CHAPTER 1. HIGHWAY PLANS.

§ 9-101.02. Jurisdiction over public roads and bridges.

LAW REVIEWS AND JOURNAL COMMENTARIES

Balancing Security and Access in the Nation's Capital: Managing Federal Security-Related Street Closures and Traffic Restrictions in the District of Columbia. DC Appleseed Center for Law and Justice, 8 U.D.C.L.Rev. 181 (2004).

Subchapter IV. Federal-Aid Highway Projects.

PART B.

TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS GARVEE BONDS.

§ 9-107.56. Issuance of the GARVEE Bonds.

(a) The GARVEE Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon such terms that the Mayor or an Authorized Signatory considers to be in the best interests of the District.

(b) The Mayor or an Authorized Signatory may execute, in connection with

each sale of the GARVEE Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the GARVEE Bonds being sold.

(c) The Mayor or an Authorized Signatory is authorized to deliver executed and sealed GARVEE Bonds, on behalf of the District, for authentication, and, after the GARVEE Bonds have been authenticated, to deliver the GARVEE Bonds to the original purchasers of the GARVEE Bonds upon payment of the purchase price.

(d) The GARVEE Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the GARVEE Bonds of such series and, if the interest on the GARVEE Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the GARVEE Bonds for purposes of federal income taxation.

(e) Chapter 3A of Title 2 [§ 2-351.01 et seq.] and subchapter III of Chapter 3 of Title 47 [§ 47-341 et seq. repealed], shall not apply to any contract the Mayor or the Chief Financial Officer may from time to time enter into, or the Mayor or the Chief Financial Officer may determine to be necessary or appropriate, for purposes of this part.

(Sept. 23, 2009, D.C. Law 18-54, § 7, 56 DCR 5694; Sept. 26, 2012, D.C. Law 19-171, § 223, 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Chapter 3A of Title 2" for "Unit A of Chapter 3 of Title 2 " in (e).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Subchapter VI. Highway Trust Fund.

§ 9-111.01. District of Columbia Highway Trust Fund.

(a) There is established the District of Columbia Highway Trust Fund ("Fund").

(b) Except as provided in subsection (e) of this section, the monies in the Fund shall not be a part of, or lapse into, the General Fund of the District or any other fund of the District.

(c) The Mayor shall deposit into the Fund, on a monthly basis, an amount equivalent to all receipts from taxes, fees, civil fines and penalties collected by the District after September 30, 1995, pursuant to Chapter 23 of Title 47.

(d)(1) All monies in the Fund shall be used first to comply with the requirements of § 9-109.02.

(2) Repealed.

(3) As of October 1, 2011, all monies in the Fund designated to be used to comply with the requirements of § 9-109.02 shall not exceed 22% of the proposed annual federal-aid highway project expenditures.

(e)(1) Any excess monies remaining in the Fund after the requirements of § 9-109.02 have been met and remaining balances not necessary for the purposes outlined in Title 23 of the United States Code, based on the 6-year projected trust fund performance conducted by the Inspector General pursuant to § 9-109.02(e) shall be deposited into the Local Transportation Fund established by § 9-111.01a, and used exclusively for the purposes provided therein.

(2) The Mayor annually shall determine the excess amount based upon the audit of the Inspector General issued pursuant to § 9-109.02(e), and include the amount in the budget for the fiscal year beginning on October 1 of that year that is transmitted to the Council pursuant to § 1-204.42.

(Apr. 9, 1997, D.C. Law 11-184, § 102, 43 DCR 4265; Oct. 3, 2001, D.C. Law 14-28, § 1702(a),(b), 48 DCR 6981; Sept. 18, 2007, D.C. Law 17-20, § 6002(a), 54 DCR 7052; Apr. 8, 2011, D.C. Law 18-370, § 623(a), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 6053, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6023(a), 59 DCR 8025.)

Section references. — This section is referenced in § 47-361 and § 50-921.02.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 added (d)(3).

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

§ 9-111.01a. Local Transportation Fund.

(a) There is established the Local Transportation Fund, which shall be a segregated account within the General Fund of the District of Columbia and shall be funded by the Director of the District Department of Transportation and into which the Chief Financial Officer of the District of Columbia shall deposit:

(1) Repealed;

(2) All receipts from special purpose utility marking service fees;

(3) All GARVEE bond proceeds; and

(4) Repealed;

(5) As of October 1, 2011, all revenue derived from public rights-of-way user fees, charges, and penalties collected pursuant to sunchapter III of Chapter 11 of Title 10 [§ 10-1141.01 et seq.] ("1997 act"), and regulations issued pursuant to the 1997 act in Chapter 33 of Title 24 of the District of Columbia Municipal Regulations; provided, that for fiscal year 2013, the first $2.6 million collected shall be deposited into the General Fund of the District of Columbia.

(b) Fees deposited into the Local Transportation Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available exclusively for the renovation, repair, and maintenance of local transportation infrastructure including streets, alleys, sidewalks, curbs, gutters and streetlights that are not eligible for federal aid and mass transit.

(c) Repealed.

(c-1) As of October 1, 2011, revenue derived and collected pursuant to subsection (a)(5) of this section may be transferred annually to the District of Columbia Highway Trust Fund; provided, that in no event shall local monies in the fund designated to be used to comply with the requirements of § 9-109.02 exceed 22% of the proposed annual federal-aid highway project expenditures.

(d)(1) Beginning on October 1, 2003, and on October 1 of each year thereafter, the Mayor shall submit to the Council a plan for the use of all monies in the Local Transportation Fund for the following fiscal year.

(2) The proposed plan shall be submitted to the Council for approval, in whole or in part, by resolution for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the proposed plan has not been approved by the Council within the 45-day period, the proposed plan shall be deemed disapproved.

(3) Repealed.

(Apr. 9, 1997, D.C. Law 11-184, § 102a, as added Oct. 3, 2001, D.C. Law 14-28, § 1702(c), 48 DCR 6981; Nov. 13, 2003, D.C. Law 15-39, § 622(a), 50 DCR 5668; Apr. 13, 2005, D.C. Law 15-354, § 84(e), 52 DCR 2638; Oct. 20, 2005, D.C. Law 16-33, § 6022(a), 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-192,§ 6023, 53 DCR 6899; Sept. 18, 2007, D.C. Law 17-20, § 6002(b), 54 DCR 7052; Mar. 25, 2009, D.C. Law 17-353, § 140, 56 DCR 1117; Apr. 8, 2011, D.C. Law 18-370, § 623(b), 58 DCR 1008; Sept. 20, 2012, D.C. Law 19-168, § 6023(b), 59 DCR 8025.)

Section references. — This section is referenced in § 9-111.01 and § 50-2607.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 repealed (a)(1), which read: "All receipts from special purpose public inconvenience fees"; repealed (a)(4), which read: "All charges imposed for rental and utilization of public space authorized by § 10-1101.01 et seq."; and added (a)(5) and (c-1).

Legislative history of Law 19-168. — See note to § 9-111.01.

§ 9-111.01c. Cost-transfer projects.

(a) For the purposes of this section, the term:

(1) "Additive rate" means the rate used to represent labor surcharges as a percent of direct labor costs.

(2) "Indirect cost" means a cost incurred for a common or joint purpose benefiting more than one project that is not readily assignable to a project specifically benefitted.

(3) "Indirect cost rate" means a method for determining in a reasonable manner the proportion of indirect costs each project should bear.

(4) "Labor surcharges" means the cost of employee fringe benefits, worker compensation insurance, leave, and similar labor-related costs.

(b) There is established the following cost-transfer projects within the District Department of Transportation capital budget, which shall be used to collect labor surcharges and indirect costs that are recoverable with federally approved indirect and additive rates:

(1) A labor cost-transfer project, which shall collect indirect labor costs

and labor surcharges that cannot be directly charged to capital projects due to federal and local regulation, but are eligible for indirect and additive rate recovery; and

(2) An administrative cost-transfer project, which shall collect indirect material testing contract costs, Davis Bacon costs, the production costs of manuals and other administrative Federal Highway Administration support costs, as approved by the Chief Financial Officer of the District of Columbia, that are eligible for federal reimbursement.

(c) The labor cost-transfer project shall not be authorized any funds from the budget.

(d) The administrative cost-transfer project shall be allocated budget authority for contractual services.

(e) All expenditures posted to the transfer projects during a fiscal year shall be reallocated to active projects based on approved indirect cost and additive rates, reallocated to the operating budget, or otherwise removed from the cost-transfer projects by the end of that fiscal year.

(f) Beginning October 1, 2012, the Mayor shall submit to the Council, on a quarterly basis, a report certified by the Chief Financial Officer of the District of Columbia that:

(1) Provides the current cost-transfer project expenditure balances;

(2) Lists the projects or accounts to which any transfer project expenditures have effectively been charged or moved; and

(3) Identifies the amount charged or moved.

(Apr. 9, 1997, D.C. Law 11-184, § 102c, as added Sept. 20, 2012, D.C. Law 19-168, § 6023(c), 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Legislative history of Law 19-168. — See note to § 9-111.01.

CHAPTER 2. STREET AND ALLEY CLOSING AND ACQUISITION PROCEDURES.

Unit A. Street and Alley Closings.

Subchapter IV. Public Space Names and Commemorative Works.

PART A.

PUBLIC SPACE NAMES.

§ 9-204.01. Scope of Council's authority.

Section references. — This section is referenced in § 1-301.01, § 9-204.16, § 9-204.17, § 9-204.19, and § 10-1805.

Editor's notes.

Designation of "Phebbie Scott Way". Section 2 of D.C. Law 19-247 provided that pursuant to §§ 9-204.01 and 9-204.03a, and notwithstanding §§ 9-204.05 and 9-204.07, the Council symbolically designates the 3900 block of Burns Place, S.E., in Ward 7, as "Phebbie Scott Way".

Designation of "Senator Charles H. Percy Plaza". Section 2 of D.C. Law 19-249 provided that pursuant to §§ 9-204.01 and 9-204.03a, and notwithstanding §§ 9-204.05 and 9-204.07, the Council designates the intersection of Wisconsin Avenue, N.W., K Street, N.W., and Water Street, N.W., in Ward 2, as the "Senator Charles H. Percy Plaza".

Designation of Albert "Butch" Hopkins Way. Section 2 of D.C. Law 19-250 provided that pursuant to §§ 9-204.01 and 9-204.03a, and notwithstanding §§ 9-204.05 and 9-204.07) the Council symbolically designates the 1800 block of Martin Luther King Jr. Avenue, S.E., as "Albert 'Butch' Hopkins Way".

CHAPTER 6A. BLOCK PARTIES.

§ 9-631. Definitions.

For the purposes of this chapter, the term:

(1) "Block party" means an activity of a recreational or civic nature sponsored by the residents of a neighborhood, for which the residents seek to close a block of a street in their neighborhood and for which there is no admission or entrance fee.

(2) "Department" means the District Department of Transportation.

(Oct. 23, 2012, D.C. Law 19-190, § 2, 59 DCR 10163.)

Section references. — This section is referenced in § 47-2862.

Legislative history of Law 19-190. — Law 19-190, the "Block Party Act of 2012," was introduced in Council and assigned Bill No. 19-527. The Bill was adopted on first and second readings on June 26, 2012, and July 10, 2012, respectively. Signed by the Mayor on

August 9, 2012, it was assigned Act No. 19-445 and transmitted to Congress for its review. D.C. Law 19-190 became effective on Oct. 23, 2012.

§ 9-632. Block party application and requirements.

(a) The Department shall create a block party application and make it available for in-person pickup and through a Transportation Online Permitting System.

(b)(1) A District resident, 21 years or older, may submit a block party application and request a street closing for the purpose of holding a block party. The street closure shall:

(A) Not be greater than one block;

(B) Not last longer than 12 hours; and

(C) End by 10 p.m.

(2) All activity for a block party shall conclude by 10 p.m.

(c) The block party application shall:

(1) Be completed on the form provided by the Department;

(2) Identify the street name and cross streets of the block to be closed; and

(3) Include a list of at least 51% of the residents, owners, or businesses abutting the section of the street requested to be closed who have consented to the block party.

(d) The applicant shall submit a completed block party application to the Department either online or in person.

(Oct. 23, 2012, D.C. Law 19-190, § 3, 59 DCR 10163.)

Legislative history of Law 19-190. — See note to § 9-631.

§ 9-633. Duties of the Department.

(a) The Department shall be responsible for approving block party applications. No fee shall be charged for the application.

(b) Upon receiving a completed application, the Department shall submit a copy to the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the Homeland Security and Emergency Management Agency, and the Washington Metropolitan Area Transit Authority for comments.

(c) Upon approval of the application, the Department shall prepare the applicant's permit and any parking signs. The approved block party permit shall be made available to the applicant electronically.

(Oct. 23, 2012, D.C. Law 19-190, § 4, 59 DCR 10163.)

Legislative history of Law 19-190. — See note to § 9-631.

§ 9-634. Criteria for review.

(a) It is the policy of the District to approve block parties.

(b) An application for a block party shall not be denied unless:
(1) It fails to meet the requirements of this chapter;
(2) The event would create a significant public safety concern;
(3) The event would create a significant traffic problem; or
(4) There is substantial neighborhood opposition to the block party.

(Oct. 23, 2012, D.C. Law 19-190, § 5, 59 DCR 10163.)

Legislative history of Law 19-190. — See note to § 9-631.

SUBTITLE II. AIRPORTS.

CHAPTER 9. DISTRICT OF COLUMBIA REGIONAL AIRPORTS AUTHORITY.

Sec.
9-904. Membership; terms; officers.

§ 9-904. Membership; terms; officers.

(a)(1) The Authority shall consist of 17 members as follows:
(A) Seven appointed by the Governor of the Commonwealth of Virginia;
(B) Four appointed by the Mayor of the District of Columbia;
(C) Three appointed by the Governor of the State of Maryland, and
(D) Three appointed by the President of the United States.

(2) For the purposes of doing business, 9 members shall constitute a quorum.

(3) Members representing the District of Columbia shall be subject to confirmation by the Council of the District of Columbia.

(4) The failure of a single appointing official to appoint one or more members, as provided in this chapter, shall not impair the Authority's creation when the conditions of this creation have been met.

(b) Members shall not hold elective or appointive public office, shall serve without compensation, and shall reside within the Washington Standard Metropolitan Statistical Area, except that the members appointed by the President of the United States shall be registered voters of states other than Maryland or Virginia or the District of Columbia. Members of the Authority shall be entitled to reimbursement of their expenses incurred in attending the meetings of the Authority or while otherwise engaged in the discharge of their duties.

(c)(1) Appointments to the Authority shall be for a period of 6 years, except that initial appointments shall be made as follows: each jurisdiction shall appoint 1 member for a full 6-year term, a second member for a 4-year term, and in the case of the Commonwealth of Virginia and the District of Columbia, a third member for a 2-year term. The Governor of Virginia shall make the final 2 Virginia initial appointments for one 2-year term and one 4-year term. The President shall make one of his initial appointments pursuant to the

Metropolitan Washington Airports Amendments Act of 1996, approved October 9, 1996 (110 Stat. 3213), for a 4-year term. The President shall make subsequent appointments for 6-year terms.

(2) A member of the Authority shall be eligible for reappointment for one additional term. A member may not serve after the expiration of the member's term or terms.

(d) Ten affirmative votes shall be required to approve bond issues and the annual budget of the Authority.

(e) Each member may be removed or suspended from office only for cause and in accordance with the laws of the jurisdiction from which the member is appointed.

(f) The Authority shall elect annually 1 of its members as chairman and another as vice-chairman and shall also elect annually a secretary and a treasurer, or a secretary-treasurer, who may or may not be members of the Authority. The Authority shall prescribe the powers and duties of these officials. The Authority may also appoint from its staff an assistant secretary and an assistant treasurer, or an assistant secretary-treasurer, who shall, in addition to other duties, discharge such functions of the secretary and the treasurer.

(g) A vacancy among the members shall be filled in the manner in which the original appointment was made. A person appointed to fill a vacancy shall serve for the unexpired term.

(h) Members of the Authority, including any nonvoting members, shall not be personally liable for any act done or action taken in their capacities as members of the Authority, nor shall they be personally liable for any bond, note, or other evidence of indebtedness issued by the Authority.

(Dec. 3, 1985, D.C. Law 6-67, § 5, 32 DCR 6093; Jul. 25, 1987, D.C. Law 7-18, § 3(b), 34 DCR 3804; Aug. 1, 1997, D.C. Law 12-8, § 2(a), 44 DCR 3371; Mar. 5, 2013, D.C. Law 19-222, § 2, 59 DCR 13317.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-222 rewrote (a); redesignated (c) as (c)(1) and added (c)(2); substituted "Ten affirmative votes" for "Eight affirmative votes" in (d); and rewrote (g).

Emergency legislation. — For temporary amendment of (a) and (c), see § 2 of the Metropolitan Washington Airports Authority Emergency Amendment Act of 2012 (D.C. Act 19-452, October 4, 2012, 59 DCR 11738).

Legislative history of Law 19-222. — Law 19-222, the "Metropolitan Washington Airports Authority Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-829. The Bill was adopted on first and second readings on Oct. 2, 2012, and Oct. 16, 2012, respectively. Signed by the Mayor on Nov. 2, 2012, it was assigned Act No. 19-524 and transmitted to Congress for its review. D.C. Law 19-222 became effective on Mar. 5, 2013.

SUBTITLE III. NATIONAL CAPITAL REGION TRANSPORTATION.

CHAPTER 11. NATIONAL CAPITAL REGION TRANSPORTATION.

Subchapter IV. Washington Metropolitan Area Transit Authority Compact.

§ 9-1107.01. Congressional consent given to Compact amendment.

Section references. — This section is referenced in § 9-1107.03, § 9-1107.04, § 9-1107.05, § 9-1107.06, § 9-1109.01, and § 50-921.31.

CASE NOTES

ANALYSIS

Actions and proceedings.
—In general.
—Sovereign immunity, actions and proceedings.

Actions and proceedings.

— In general.

Washington Metropolitan Area Transit Authority Compact mandates collective bargaining between the Transit Authority and its employees, and it ties the National Labor Relations Act's (NLRA) definition of employee to the designation of that party with whom the Authority must bargain. Price v. Wash. Metro. Area Transit Auth., 41 A.3d 526, 2012 D.C. App. LEXIS 145 (2012), reprinted as amended at 2012 D.C. App. LEXIS 273 (D.C. Apr. 12, 2012), amended by 2012 D.C. App. LEXIS 274 (D.C. May 22, 2012), writ of certiorari denied by 133 S. Ct. 571, 184 L. Ed. 2d 346, 2012 U.S. LEXIS 8547, 81 U.S.L.W. 3229 (U.S. 2012).

— Sovereign immunity, actions and proceedings.

Bus passenger's suit against Washington Metropolitan Transit Authority (WMATA) alleging that driver's negligent operation of the bus caused her to fall after she had boarded the bus but before she sat down, was barred by sovereign immunity to the extent passenger challenged WMATA's policy of allowing drivers to proceed with standing passengers, since policy was the product of a discretionary decision. Robinson v. Washington Metropolitan Area Transit Authority, 2012 WL 1513053 (2012).

Bus passenger's suit against Washington Metropolitan Transit Authority (WMATA), alleging driver's negligent operation of the bus caused her to fall after she had boarded the bus but before she sat down, was not barred by sovereign immunity to the extent passenger claimed that the driver was negligent in not following WMATA's safety directives by failing to comply with WMATA's rule that he check that passengers were secure and prepared for vehicle movement and by failing to follow WMATA's directive that bus drivers start gradually, stop smoothly, and turn slowly; these directives specifically prescribed guidelines for passenger safety which, on their face, left driver no choice but to adhere. Robinson v. Washington Metropolitan Area Transit Authority, 2012 WL 1513053 (2012).

SUBTITLE IV. MISCELLANEOUS.

Chapter 11A. Bus Shelters.

§ 9-1159. Relation to other provisions of law.

Temporary legislation. — Section 5 of D.C. Law 19-181 repealed this section.

Section 8 of D.C. Law 19-181 provided that any order, rule, or regulation in effect under a law replaced by this act shall remain in effect until repealed, amended, or superseded.

Section 9 of D.C. Law 19-181 provided that sections 3, 4, 5, 6, and 7 of the act shall apply upon the Mayor's issuance of a comprehensive final rulemaking governing signs on public space and private property pursuant to section 2 of the act.

Section 11(b) of D.C. Law 19-181 provided that the act shall expire after 225 days of its having taken effect.

Emergency legislation. — For temporary (90 day) repeal of section, see § 5 of the Sign Regulation Emergency Amendment Act of 2012 (D.C. Act 19-387, July 11, 2012, 59 DCR 8491).

For temporary repeal of section, see § 5 of the Sign Regulation Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-499, October 26, 2012, 59 DCR 12749), applicable after the Mayor's issuance of a comprehensive final rulemaking governing signs on public space and private property, and with the condition that any order, rule, or regulation in effect under a law replaced by this act shall remain in effect until repealed, amended, or superseded.

TITLE 10. PARKS, PUBLIC BUILDINGS, GROUNDS, AND SPACE.

SUBTITLE I. PARKS AND PLAYGROUNDS.

SUBTITLE II. PUBLIC BUILDINGS AND GROUNDS.

SUBTITLE IV. SPECIFIC LOCALES.

SUBTITLE I. PARKS AND PLAYGROUNDS.

Chapter 1. General Provisions.

§ 10-166.01. Park Policy and Programs Division.

(a) There is established the Park Policy and Programs Division ("Division") within the Department of Parks and Recreation. The purpose of the Division is to improve the parks and park programs to broaden the use and enjoyment of the parks to enhance the quality-of-life of residents of, and visitors to, the District.

(b) The Division shall be administered by a Chief Park Policy and Programs Officer who shall:

(1) Have authority over its functions and personnel;

(2) Staff, as necessary, the programs and activities of the Division;

(3) Establish a small parks improvement program, which shall:

(A) Categorize, prioritize, and develop systems, options, and processes for pocket-park improvements and long-term maintenance, including sustainability practices; and

(B) In conjunction with the Partnerships & Development divisions, develop partnerships with community-based organizations and Friends groups to assist in small parks improvements, programming, and maintenance;

(4) Establish a community gardens program, which shall:

(A) Support the Mayor's Sustainable DC initiative to provide healthy, affordable food, by:

(i) Developing standards for community gardens;

(ii) Identifying suitable parcels of land for community gardens; and

(iii) Assisting community groups to implement community gardens; and

(B) Implement Chapter 4 of Title 48 [§ 48-401 et seq.];

(5) In conjunction with the Operations Division, prioritize park improvement projects in the capital improvement program;

(6) In conjunction with the Office of Planning, coordinate the implementation of the District's responsibilities regarding the park elements of the Capital Space Plan, as adopted by the National Capital Planning Commission on April 1, 2010;

(7) In conjunction with the Department of General Services, inventory all real property park assets under the control of the District; and

(8) Coordinate appropriate government agencies, as needed.

(Mar. 16, 1989, D.C. Law 7-209, § 2a, as added Sept. 20, 2012, D.C. Law 19-168, § 5082, 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

SUBTITLE II. PUBLIC BUILDINGS AND GROUNDS.

CHAPTER 5A. DEPARTMENT OF GENERAL SERVICES.

§ 10-551.02. Organization.

There are established 6 primary organizational functions in the Department as follows:

(1) Agency Management, which shall include the staff and organizational units needed to carry out the overall plan and direction for the Department, including coordination and management for information technology, resource allocation, human resources, procurement, fixed-cost forecasting for District facilities, and the administrative functions of the Department;

(2) Capital Construction, which shall:

(A) Implement and oversee the Department's capital improvement program for District government facilities; and

(B) Execute the capital budget program, which includes the rehabilitation of existing real property facilities and construction of new facilities supporting the District;

(3) Portfolio Management, which shall coordinate:

(A) Lease administration;

(B) Allocation of owned and leased properties to District agencies;

(C) Property acquisition and disposition; and

(D) Rent collection from entities leasing District-owned or leased properties;

(4) Facilities Management, which shall coordinate the day-to-day operations of District-owned properties by:

(A) Maintaining building assets and equipment;

(B) Performing various repairs and non-structural improvements; and

(C) Providing janitorial, trash and recycling pickup, postal, and engineering services; provided, that the District of Columbia Public Schools ("DCPS") shall remain responsible for providing janitorial services at DCPS facilities;

(5) Contracting and Procurement, which shall provide services and support in procuring for the District:

(A) The construction, architecture, and engineering services;

(B) The facilities maintenance and operation services;

(C) The real estate asset management services, including leasing and auditing;

(D) The utility contracts;

(E) The security services; and

(F) Such other services necessary or desirable to improve the effectiveness of the Department and advance the purposes of this chapter; and

(6) Protective Services Police Department, which shall coordinate, manage, and provide the security and law enforcement requirements for District government facilities.

(Sept. 14, 2011, D.C. Law 19-21, § 1023, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 70(a), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "this subtitle" for "this act" [translated as "this chapter"] in (5)(F).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 10-551.04. Transfers.

(a) All functions assigned, authorities delegated, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Real Estate

Services and the Office of Public Education Facilities Modernization are transferred to the Department.

(b) All functions assigned, authorities delegated, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available for capital construction and real property management functions of other subordinate executive branch agencies, except for the District Department of Transportation, as the Mayor considers necessary to effectuate this chapter, are transferred to the Department.

(c) All functions assigned, authorities delegated, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Deputy Mayor for Planning and Economic Development for its asset management program, including the DC USA Garage, are transferred to the Department; provided, that with respect to funds which are deposited or held in special purpose revenue funds and fund the asset management program, the Deputy Mayor for Planning and Economic Development shall enter into a memorandum of understanding with the Department to pay for the asset management program, including the DC USA Garage, from such special purpose revenue funds.

(Sept. 14, 2011, D.C. Law 19-21, § 1025, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 70(b), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "this subtitle" for "this act" [translated as "this chapter"] in (b).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 10-551.07. Representative program.

Emergency legislation.

For temporary (90 day) addition of section, see § 1022 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 1022 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

§ 10-551.07a. Establishment of the Facilities Service Request Fund.

(a) There is established within the General Fund of the District of Columbia a lapsing account to be known as the Facilities Service Request Fund ("Fund"). All funds received by the Department from non-District government tenants in District government facilities for facility- related services, including maintenance, janitorial, security, construction, or other services, provided by the Department in accordance with this chapter shall be deposited into the Fund.

(b) All funds deposited into the Fund, and any interest earned on those funds, shall revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of each fiscal year.

(c) The Fund shall be administered by the Department, and shall be used for facility-related services at real property owned or leased by the District of Columbia and under the control of the Department.

(Sept. 14, 2011, D.C. Law 19-21, § 1028a, as added Sept. 20, 2012, D.C. Law 19-168, § 1022, 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Emergency legislation. — For temporary addition of section, see § 1022 of the Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

CHAPTER 8. SALE OF PUBLIC LANDS.

Subchapter I. General Provisions

Subchapter I. General Provisions.

§ 10-801. Authorization; description of property; submission and approval of resolution; reacquisition rights; notice.

(a)(1) Except for real property disposed of pursuant to § 6-1005(c), the Mayor is authorized and empowered, in his discretion, for the best interests of the District of Columbia ("District"), and with the approval of the Council by resolution, to sell, convey, lease (inclusive of options) for a period of greater than 20 years, exchange, or otherwise dispose of real property, in whole or in part, now or hereafter owned in fee simple by the District, whether purchased with appropriated, grant, or other funds, the proceeds of general obligation bonds or tax revenue anticipation notes issued by the District government, or United States Treasury Notes, or obtained by any other means including exchange, condemnation, eminent domain, gift, dedication, donation, devise or assignment, for municipal, community development, or other public purpose, which the Council finds to be no longer required for public purposes.

(2) The Mayor shall submit separate resolutions for the determination that the real property is no longer required for public purposes pursuant to subsection (a-1) of this section and for the approval of its disposition pursuant to subsection (b) of this section.

(a-1)(1) If the Mayor believes that real property is no longer required for public purposes, the Mayor shall submit to the Council a proposed resolution which includes a finding that the real property is no longer required for public

purposes. In the proposed resolution submitted to the Council, the Mayor shall also provide a description of the real property and a detailed explanation as to why the real property is no longer required for public purposes.

(2) The proposed resolution shall be accompanied by an analysis setting forth:

(A) Whether the real property has any necessary use by the District;

(B) Why the determination that the real property is no longer required for public purposes is in the best interests of the District; and

(C) A summary of public comments received at the public hearing required under paragraph (4) of this subsection.

(3) The proposed resolution shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed resolution within the 90-day period, the proposed resolution shall be deemed disapproved.

(4) Before submitting a proposed resolution pursuant to this subsection, the Mayor shall hold at least one public hearing on the finding that the real property is no longer required for public purposes. The hearing shall be held at an accessible evening or weekend time and in an accessible location in the vicinity of the real property. The Mayor shall provide at least 30 days notice to Advisory Neighborhood Commissions of the public hearing and shall publicize the hearing by placing a notice in the District of Columbia Register at least 15 days before the hearing.

(5) The Mayor shall be deemed to have met the requirements of paragraphs (2)(C) and (4) of this subsection if, prior to April 19, 2010, the Mayor submitted the proposed resolution pursuant to this subsection to the Council and, prior to March 10, 2010, the Mayor engaged in community outreach efforts regarding the real property's proposed redevelopment; provided, that the community outreach:

(A) Occurred in an accessible location, or accessible locations, in the vicinity of the real property; and

(B) Involved a discussion of the proposed redevelopment plan for real property.

(a-2) If the Council determines that the real property is no longer required for public purposes pursuant to subsection (a-1) of this section, the Mayor shall attempt to dispose of the real property for a use with a direct public benefit as described in a specific government plan adopted by the Mayor or Council, including the Community Development Plan, the Comprehensive Plan, the Strategic Neighborhood Area Plan, or the Comprehensive Housing Strategy Plan.

(b) The Mayor, to carry out the provisions of this subchapter, shall transmit to the Council a proposed resolution that contains the following:

(1) Repealed.

(2) The name and business address of the developer, and, if the developer is a joint venture or partnership, the name and business address of each person that constitutes the partnership;

(3) A description of the real property to be disposed of;

(4) A description of the intended use for the property ("Project");

(5) A description of any affordable housing to be provided as part of the Project;

(6) A finding that the Developer will enter into an agreement that shall require the Developer to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises;

(7) A finding that the Developer will enter into a First Source Agreement with the District that shall govern certain obligations of Developer pursuant to § 2-219.03 and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment generated as a result of the construction on the Property;

(8) The proposed method of disposition, which may be one of the following:

(A) A public or private sale to the highest bidder;

(B) A negotiated sale to a for-profit or nonprofit entity for specifically designated purposes;

(C) A lease for a period of greater than 20 years;

(D) A combination sale/leaseback for specifically designated purposes;

(E) An exchange of interests in real property; or

(F) A public or private sale to the bidder providing the most benefit to the District; and

(9) The following statement:

"All documents that are submitted with this resolution pursuant to subsection (b-1) of this section shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to subsection (b-1)(2) of this section.".

(b-1) A proposed resolution to provide for the disposition of real property transmitted to the Council pursuant to subsection (b) of this section shall be accompanied by the following:

(1) An analysis prepared by the Mayor of the economic factors that were considered in proposing the disposition of the real property, including:

(A) The chosen method of disposition, and how competition was maximized;

(B) The manner in which economic factors were weighted and evaluated, including estimates of the monetary benefits and costs to the District that will result from the disposition. The benefits shall include revenues, fees, and other payments to the District, as well as the creation of jobs; and

(C) A description of all disposition methods considered and an accompanying narrative for the proposed disposition method that contains comparisons to the other methods and shows why the proposed method was more beneficial for the District than the others in the areas of return on investment, subsidies required, revenues paid to the District, and any other relevant category, or why it is being proposed despite it being less beneficial to the District in any of the measured categories.

(2) An executed term sheet or Memorandum of Understanding between the District and the selected developer that shall include the following:

(A) A description of the major business terms of the transaction;

(B) A description of the method of disposition;

(C) A description of the Certified Business Enterprise requirements;

(D) A description of the green building requirements;

(E) A description of the schedule of performance; and

(F) Any other terms that the Mayor finds to be in the best interest of the District.

(3) A document reporting the value of the property prepared by an independent appraiser or assessor performed within 12 months of transmission of the proposed resolution.

(4) For any development project where the total value of the government assistance is greater than $10 million, a description of the project funding and financing plan.

(5)(A) For all District land being disposed for purposes of development and requiring government assistance the following additional items shall be transmitted to the Council concurrent with the proposed resolution and analysis:

(i) A Land Disposition Agreement between the District and the selected developer;

(ii) Any community benefits agreement between the developer and the relevant community, if any; and

(iii) A Certified Business Enterprise ("CBE") Agreement pursuant to subchapter IX-A of Chapter 2 of Title 2 [§ 2-218.01 et seq.].

(B) Documents in this paragraph shall be transmitted in the most current form available at the time the resolution is transmitted.

(C) All documents referenced in this paragraph shall be consistent with the proposed resolution for land disposition and language to that effect shall be included in those agreements prior to execution.

(6)(A) If a substantive change is made to the term sheet or Memorandum of Understanding referenced in subsection ((b-1)(2) of this section, after the resolution was transmitted to and approved by the Council pursuant to this subsection, a resolution describing the change accompanied by an amended term sheet or Memorandum of Understanding in redline format shall be transmitted to Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed amendments to the term sheet, in whole or in part, by resolution within the 30-day review period, the proposed amendments shall be deemed approved.

(B) For the purpose of this paragraph, the term:

(i) "Redline format" means the changes that are deletions have a line through them and the changes that are additions are underlined.

(ii) "Substantive change" means a change that makes the agreement inconsistent with the executed Memorandum of Understanding or term sheet transmitted with the proposed resolution.

(c) The proposed resolution to provide for the disposition of real property pursuant to subsection (b) of this section shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and

days of Council recess. If the Council does not approve or disapprove of the proposed disposition of the property, in whole or in part, by resolution within the 90-day period, the proposed resolution shall be deemed disapproved. Nothing in this section shall affect any requirements imposed upon the Mayor by subchapter I of Chapter 5 of Title 2.

(d) Approval of the disposition of the real property by the Council shall expire 2 years after the effective date of the resolution of approval. If the Mayor determines prior to the end of the 2-year period that the property cannot be disposed of within the 2-year period, the Mayor may submit to the Council, no later than 60 days prior to the end of the 2-year period, a resolution seeking additional time for the disposition of the property, and shall include with the resolution a detailed status report on efforts made toward disposition of the property as well as the reasons for the inability to dispose of the property within the 2-year period. If the Council does not take action to approve or disapprove the resolution within 30 days of receipt of the resolution, not including Saturdays, Sundays, legal holidays, or days of Council recess, the resolution shall be deemed disapproved.

(d-1)(1) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of the property located at 2341 4th Street, N.E., pursuant to the Unsolicited Proposal Submitted by the H Street Community Development Corporation for the Acquisition and Development of 2341 4th Street, N.E., Resolution of 1999, deemed approved February 10, 2000 (PR13-436), is extended to February 10, 2004.

(2) This subsection shall apply as of February 10, 2000.

(d-2)(1) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of Square 5912, Lot 804 in Ward 8 in accordance with the Request for Proposals for the Disposition of Camp Simms Approval Resolution of 2000, effective December 5, 2000 (Res. 13-715; 47 DCR 9984), is extended to March 2, 2006.

(2) This subsection shall apply as of December 5, 2002.

(d-3)(1) Notwithstanding subsections (a) through (d) and (e) of this section, the Mayor may dispose of the following properties:

(A) Lots 106 and 803 in Square 442, in a manner not inconsistent with the Council's approval of the dispositions of these parcels pursuant to the Development of Small Parcels Resolution of 2006, deemed approved October 27, 2006 (Res. 16-849; 53 DCR 9376); and

(B) Lots 848 and 849 in Square 2906 in a manner not inconsistent with the Council's approval of the dispositions of these parcels pursuant to the Disposition of Lots 848 and 849 in Square 2906 Approval Resolution of 2005, deemed approved July 2, 2005 (Res. 16-280; 52 DCR 7961).

(2) The Mayor's authority to dispose of the properties listed in paragraph (1) of this subsection shall expire on November 5, 2009.

(d-4)(1) Notwithstanding subsections (a) through (d) and subsection (e)of this section, the Mayor shall dispose of the property located at 35-41 K Street, N.E., designated for tax and assessment purposes as Lot 0838 in Square 0675 ("K Street property"), through a solicitation to be issued no later than October 1, 2013; provided, that if the contingency set forth in paragraph (2)(B) of this

subsection is met, the Mayor may dispose of the K Street property through a solicitation to be issued no later than October 1, 2013.

(2)(A) Except as provided in paragraph (3) of this subsection, the net proceeds from the disposition by sale, as authorized by subsection (b)(8) of this section, of the K Street property shall be deposited into the Housing Production Trust Fund, established by § 42-2802 ("HPTF"), unless the HPTF has been fully funded pursuant to subparagraph (B) of this paragraph and paragraph (3) of this subsection.

(B) If, before the K Street property disposition, the Chief Financial Officer certifies that there is revenue available to fund section 10002(a)(4) of the Revised Revenue Estimate Contingency Priority List Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025) ("priority number 4"), the certified available revenue shall be deposited into the HPTF.

(3) If, after the K Street property disposition and the deposit of the net proceeds into the HPTF, the Chief Financial Officer certifies that there is revenue available to fund priority number 4, the certified available revenue, less any shortfall of the $18 million provided for in priority number 4 that was not deposited into the HPTF, which shall be deposited into the HPTF, shall be available to fund NoMa in accordance with priority number 4.

(e) The Mayor shall incorporate into the terms of the disposition of real property disposed of through a negotiated sale pursuant to this section, the right of the District to reacquire the property at the price originally conveyed plus any amounts secured by the property that have been approved by the Mayor, if the property is no longer used for the authorized purpose. For property located within the corporate boundaries of the District, if the District does not exercise its reacquisition option, the owner in fee simple shall be entitled to use the property or sell, convey, or otherwise dispose of the property for use in a manner that is consistent with the designation of the real property on:

(1) The Generalized Land Use Maps adopted pursuant to § 1-301.63; and

(2) The Official Zoning Map of the District of Columbia adopted pursuant to § 6-641.01.

(e-1) In the case of any real property to be disposed under this section through a request for proposals or competitive sealed proposals, the Mayor shall include economic factors, including revenues, fees, and other payments to the District, as one of the criteria to evaluate the request for proposals or competitive sealed proposals.

(f) The Mayor shall take any steps necessary to ensure continuous community input in the disposition of any real property to be disposed of in accordance with this section, which shall include, for property located within the corporate boundaries of the District, providing notice to any affected Advisory Neighborhood Commission of the final terms and conditions for the sale of the property, for review and comment in accordance with § 1-309.10, prior to the disposition of the property.

(f-1) This section shall not apply to any real property which is acquired under § 42-3171.02.

(g) For real property that the Mayor has determined, after input from affected communities, to be no longer needed by the District of Columbia

Public Schools ("DCPS"), the Mayor shall submit to the Council a report on whether the Mayor intends to dispose of the real property to a public charter school under § 38-1802.09 or for use by another agency of the District government. The report shall be submitted to the Council by the Mayor within 90 days of the determination that the real property is no longer needed by the DCPS. If the report is not submitted by the Mayor to the Council within the 90-day period, the Mayor shall dispose of the real property in accordance with the provisions of this subchapter and shall transmit to the Council the resolutions required by subsection (a)(2) of this section within 180 days of the Mayor's determination.

(h) Notwithstanding any other provision of law, or any rule of law, the Board is authorized to sell and convey the property located at 13th and K Streets, N.W., Lot 808, Square 285, commonly referred to as the Franklin School ("Franklin") to the H Street Community Development Corporation ("H Street"), and to enter into and execute all agreements necessary to consummate this sale, provided that the Board and H Street have entered into a contract specifying that H Street shall resell and reconvey Franklin to the District of Columbia, for the use of the Board, for an amount equal to the price for which H Street purchased Franklin, once renovations have been completed and all of the Board's outstanding debts to H Street related to the renovation of Franklin have been discharged. The Board is further authorized and directed to enter into and execute all agreements necessary to consummate the repurchase of Franklin within 90 days of the completion of the renovations and the discharge of the Board's debts for said renovation.

(i) The Board is authorized to expend an amount not to exceed $4 million for the renovation of Rabaut and 2 other schools for District of Columbia Public Schools administrative offices, excluding Franklin; provided, however, that if these renovation costs are likely to exceed $4 million, the Board must come back to the Council for approval of additional expenditures of appropriated operating funds for these purposes.

(j) All District fees and taxes associated with the Board's sale and repurchase of Franklin, and H Street's ownership and renovation of Franklin, shall be waived.

(k) The contractor hired by the Board shall provide an opportunity for students from the District of Columbia Public Schools to participate in vocational training programs with employment opportunities with this renovation project.

(l) The Board shall not expend any appropriated funds to pay for restoration costs but shall use funds to renovate the building to meet minimum occupancy requirements.

(m) The provisions of this subchapter shall not apply to real property acquired by the District or an instrumentality of the District (or a subsidiary thereof) under § 47-1353(a)(3).

(Aug. 5, 1939, 53 Stat. 1211, ch. 449, § 1; Mar. 15, 1990, D.C. Law 8-96, § 3, 37 DCR 795; Sept. 11, 1990, D.C. Law 8-158, § 2(a), 37 DCR 4167; Mar. 16, 1995, D.C. Law 10-216, § 2 41 DCR 8038; Apr. 18, 1996, D.C. Law 11-110,

§ 21, 43 DCR 530; Apr. 19, 2002, D.C. Law 14-114, § 102, 49 DCR 1468; Oct. 19, 2002, D.C. Law 14-213, § 15(a), 49 DCR 8140; Apr. 4, 2003, D.C. Law 14-282, § 5, 50 DCR 896; Mar. 30, 2004, D.C. Law 15-127, § 2, 51 DCR 1549; Apr. 5, 2005, D.C. Law 15-285, § 2, 52 DCR 857; Apr. 13, 2005, D.C. Law 15-354, § 92, 52 DCR 2638; June 8, 2006, D.C. Law 16-112, § 2, 53 DCR 2536; Mar. 26, 2008, D.C. Law 17-138, § 704, 55 DCR 1689; Oct. 22, 2009, D.C. Law 18-76, § 2, 56 DCR 6895; Mar. 11, 2010, D.C. Law 18-115, § 2(a), 57 DCR 886; July 27, 2010, D.C. Law 18-201, § 2, 57 DCR 4742; Sept. 20, 2012, D.C. Law 19-168, § 2132, 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 67, 59 DCR 6190.)

Section references. — This section is referenced in § 2-351.05, § 2-1217.151, § 6-1005, § 10-851, § 10-901, § 10-1904, § 10-1905, § 16-1332, and § 24-261.05.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 added (d-4).

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction in (b)(9).

Temporary Amendment of Section. — Section 2 of D.C. Law 19-215 added subsection (d-5) to read as follows:

"(d-5) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of the property located at 400-414 Eastern Avenue, N.E., and in the 6100 block of Dix Street, N.E., known for tax and assessment purposes as Lots 17, 18, 19, and 806 in Square 5260, for which disposition was approved by the Council pursuant to the Eastern Avenue Property Disposition Approval Resolution of 2009, effective October 6, 2009 (Res. 18-0264; 56 DCR 8412), and extended by the Eastern Avenue Property Disposition Extension Approval Resolution of 2011, effective September 20, 2011 (Res. 19- 245; 58 DCR 8475), is extended to October 6, 2013."

Section 4(b) of D.C. Law 19-215 provided that the act shall expire after 225 days of its having taken effect.

Temporary Amendment of Section. — Section 2 of D.C. Law 19-216 added subsection (d-6) to read as follows:

"(d-6) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of the property located at 5131 Nannie Helen Burroughs Avenue, N.E., known as the Strand Theater, for which disposition was approved by the Council pursuant to the Strand Theater Disposition Approval Resolution of 2009, effective October 6, 2009 (Res. 18-0263; 56 DCR 8410), and extended by the Strand Theater Disposition Extension Approval Resolution of 2011, effective September 20, 2011 (Res. 19- 246; 58 DCR 8477), is extended to October 6, 2013."

Section 4(b) of D.C. Law 19-216 provided that the act shall expire after 225 days of its having taken effect.

Emergency legislation.

For temporary (90 day) amendment of section, see § 2132 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 2132 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

For temporary addition of (d-5), see § 2 of the Extension of Time to Dispose of the Eastern Avenue Property Emergency Amendment Act of 2012 (D.C. Act 19-456, October 4, 2012, 59 DCR 11746).

For temporary addition of (d-6), see § 2 of the Extension of Time to Dispose of the Eastern Avenue Property Emergency Amendment Act of 2012 (D.C. Act 19-457, October 4, 2012, 59 DCR 11748).

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 10-802. Expenses of sale; deposit of net proceeds.

(a) The Mayor is further authorized to pay the reasonable and necessary expenses of sale of each parcel of land sold and shall deposit the net proceeds of the sale in the District Treasury.

(b) Repealed.

(Aug. 5, 1939, 53 Stat. 1211, ch. 449, § 2; Sept. 11, 1990, D.C. Law 8-158,§ 2(b), 37 DCR 4167; Sept. 30, 1996, 110 Stat. 3009 1477, Pub. L. 104-208, § 5206(b); Sept. 24, 2010, D.C. Law 18-223, § 1003, 57 DCR 6242; Sept. 14, 2011, D.C. Law 19-21, § 9063, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 98(c), 59 DCR 6190.)

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 added a comma preceding "with the exception" and following "of this section" " in (b) [now repealed].

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Chapter 10. Department of Real Estate Services.

§ 10-1001. Establishment of the Department of Real Estate Services. [Repealed].

Editor's notes.

Section 68 of D.C. Law 19-171 amended this section as it existed prior to its repeal.

§ 10-1015. Green building priority. [Repealed].

Editor's notes. — Section 48 of D.C. Law 19-171 amended subsection (a) of this section as it existed prior to its repeal.

§ 10-1017. Old Naval Hospital Foundation grant authority. [Repealed].

Editor's notes. — Section 69 of D.C. Law 19-171 made a technical correction to this section as it existed prior to its repeal.

§ 10-1018. Security assessments and implementation at District facilities. [Repealed].

Editor's notes. — Section 49 of D.C. Law 19-171 renumbered D.C. Law 12-175, § 1806l as D.C. Law 12-175, § 1806m, after the section's repeal by D.C. Law 19-21.

CHAPTER 10A. MASTER FACILITIES PLANNING AND PROGRAM COORDINATION ADVISORY COMMITTEE.

Sec.
10-1032. Funding.

§ 10-1032. Funding.

The functions of this chapter are to be funded in the amounts of $1.8 million in Fiscal Year 2004 and $1.1 million in Fiscal Year 2005 from the Public Planning Capital Project Fund established in § 1-325.11. Of this total amount, not less than $1.2 million shall be made available to the Department of General Services ("Department"), in consultation with the Office of Planning, for the development of a facility inventory and conditions assessment. Other amounts as required shall be transferred to the Department and other District agencies for the fulfillment of the provisions of this chapter. In all cases, this work shall be performed without the use of contractors, except where specialized expertise or expedited effort is required.

(Nov. 13, 2003, D.C. Law 15-39, § 1403, 50 DCR 5668; Sept. 26, 2012, D.C. Law 19-171, § 71, 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Department of General Services ('Department')" for "Office of Property Management ('OPM')" in the second sentence; and substituted "the Department" for "OPM" in the third sentence.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

SUBTITLE IV. SPECIFIC LOCALES.

CHAPTER 12. WASHINGTON CONVENTION AND SPORTS AUTHORITY.

Subchapter I. General Provisions

Part B

General Provisions

Sec.
10-1202.02b. Transfer of authorities and functions of the District of Columbia Sports and Entertainment Commission; abolishment of the District of Columbia Sports and Entertainment Commission.
10-1202.08. Washington Convention Center Fund; transfer and pledge of revenues.
10-1202.08a. Establishment of the Washington Convention Center Marketing Fund; marketing service contracts.
10-1202.10. Power of the Authority to issue bonds and notes.

Part D

Eminent Domain for Hotel

10-1202.31. Definitions.

Part D-i

Provisions Relating to the Construction of the Convention Center Hotel

10-1202.41. Construction contracting requirements.

Subchapter I. General Provisions.

PART B.

GENERAL PROVISIONS.

§ 10-1202.02b. Transfer of authorities and functions of the District of Columbia Sports and Entertainment Commission; abolishment of the District of Columbia Sports and Entertainment Commission.

(a)(1) All authorities and functions of the District of Columbia Sports and Entertainment Commission, established pursuant to Chapter 14 of Title 3 [§ 3-1401 et seq.], are transferred to the Authority, except that the maintenance and operation of the Robert F. Kennedy Memorial Stadium and the nonmilitary section of the Armory shall be transferred to the Department of General Services.

(2) The Authority and the Department of General Services shall enter into a Memorandum of Agreement not later than 60 days before the beginning of each fiscal year that shall set forth the terms and conditions for the Department of General Services to maintain the Robert F. Kennedy Memorial Stadium and the nonmilitary portion of the Armory, including the level of service and the procedures and timing for reimbursement to the Department of General Services for its maintenance and upkeep services at the Robert F. Kennedy Memorial Stadium and the nonmilitary portion of the Armory.

(b) The District of Columbia Sports and Entertainment Commission is abolished.

(Sept. 28, 1994, D.C. Law 10-188, § 202b, as added Mar. 3, 2010, D.C. Law 18-111, § 2081(d), 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 72(a), 59 DCR 6190.)

Section references. — This section is referenced in § 10-1202.08c.

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Department of General Services" for "Office of Property Management" throughout the section.

Legislative history of Law 19-171. — See note to § 10-1202.01.

§ 10-1202.08. Washington Convention Center Fund; transfer and pledge of revenues.

(a) There is established the "Washington Convention Center Fund" ("Convention Center Fund") to be operated by the Authority.

(b) Dedicated taxes collected by the Mayor, as an agent for the Authority and

the monies in the Convention Center Fund shall not be a part of, nor lapse into, the General Fund of the District of Columbia, nor the Sports and Entertainment Fund, except as provided in § 10-1202.13.

(c)(1) Any and all dedicated taxes collected by the Mayor as an agent for the Authority shall be transferred upon receipt to the Convention Center Fund for the payment of the costs of the new convention center, expenses necessary for debt service, reserve funds, repair, maintenance, marketing service contracts and all other expenses of operating and managing the Authority.

(2) The Board shall submit for Council review the detailed guidelines established by the Authority stating the types of expenditures permissible under Authority policy.

(d) Any pledge by the Authority of any revenues on deposit in the Convention Center Fund shall be effective, valid, and binding from the time the pledge is made. The pledged revenues, once deposited in the Convention Center Fund, shall be immediately subject to the lien of the pledge, whether or not there has been any physical delivery. The lien of any pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against any person receiving the distribution of tax revenues, whether or not the parties have notice of the pledge. The bond resolution of the Authority by which the pledge of the proceeds of any taxes is created is not required to be filed or recorded.

(e) The District pledges to and agrees with the Authority and any holders of the bonds, notes or other obligations issued by the Authority and secured by the Convention Center Fund that the District shall not limit, restrict, or in any way impair the collection, transfer, deposit, or disbursement of revenues in the Convention Center Fund until the principal of, premium if any, and interest on the Authority debt has been paid and discharged.

(f) Except as provided in § 10-1202.04(b), all assets and liabilities of the Washington Convention Center Enterprise Fund, established pursuant to § 10-1215 [repealed], shall be transferred to the Fund.

(Sept. 28, 1994, D.C. Law 10-188, § 208, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(e), 45 DCR 4826; Mar. 3, 2010, D.C. Law 18-111, § 2081(j), 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 72(b), 59 DCR 6190.)

Section references. — This section is referenced in § 2-1217.01, § 2-1217.33a, § 2-1217.34a, § 2-1217.71, § 2-1217.131, § 10-1202.04, § 10-1203.07, § 10-1221.01, § 10-1801, § 47-2002.03, and § 47-2202.02.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 made a technical correction to D.C. Law 18-111 which did not affect this section as codified.

Legislative history of Law 19-171. — See note to § 10-1202.01.

§ 10-1202.08a. Establishment of the Washington Convention Center Marketing Fund; marketing service contracts.

(a) There is established the Washington Convention Center Marketing Fund ("Marketing Fund") to be maintained by the Authority to promote conventions, tourism, and leisure travel in the District and the hosting of

sporting events, sports teams, recreational events, and entertainment events in the District.

(b) Monies in the Marketing Fund shall not be a part of, nor lapse into, the General Fund of the District. The Marketing Fund shall be audited at least once each year and a report of the audit shall be published by the Authority.

(c) The total dollar amount the Authority shall allocate to the Marketing Fund shall be based on, as nearly as practical, an amount equal to not less than 17.4% of the amount collected each year from the tax imposed by §§ 47-2002.02(1) and 47-2202.01(1). The Authority shall deposit monthly an amount equal to not less than 17.4% of the amount as collected from the tax imposed by §§ 47-2002.02(1) and 47-2202.01(1) into the Marketing Fund.

(d) Where applicable, the marketing service contracts that the Authority may enter into shall include information on general and specific responsibilities, performance standards, pricing, financial reports and data, associated services, cooperative efforts with the Authority and the District, duration and termination of agreements, proprietary work product, notices, and remedies. All money received from the Authority under a marketing services contract shall be separately accounted for and subject to verification by audit. The Authority shall have the right at any time to terminate any marketing service contract for cause. In the event of termination for cause by the Authority, the services to be performed under the terms of the terminated marketing service contract shall be procured by request for proposals made pursuant to rules for the procurement of goods and services adopted by the Board.

(e) The marketing service contracts shall include a contract with:

(1) Destination, DC (formerly, the Washington, DC Convention and Tourism Corporation), pursuant to which Destination, DC shall be designated as the primary contract or to:

(A) Market and sell meetings and conventions for the Washington Convention Center and hotels in the District of Columbia;

(B) Market and promote the District of Columbia as a destination; and

(C) Increase revenue to the District of Columbia and the Authority by maximizing sales of hotel rooms and restaurant meals;

(2) The D.C. Chamber of Commerce, pursuant to which the D.C. Chamber of Commerce shall be designated as the primary contractor to promote participation by local, small, and minority businesses in the hospitality industry, especially through neighborhood and cultural tourism; and

(3) The Greater Washington Ibero American Chamber of Commerce, for the purpose of pursuit of special projects, as designated by the Authority.

(e-1) The marketing service contracts may include contracts with:

(1) The DC Chamber of Commerce, pursuant to which the DC Chamber of Commerce shall be designated as the primary contractor to promote participation by local, small, and minority businesses in the hospitality industry, especially through neighborhood and cultural tourism; and

(2) The Greater Washington Hispanic Chamber of Commerce (formerly known as the Greater Washington Ibero American Chamber of Commerce), for the purpose of pursuit of special projects, as designated by the Authority.

(f) The obligation of the Authority to make any payment pursuant to any marketing service contract and the amount thereof shall be subject, and

subordinate, in all respects, to the obligation of the Authority to apply any amount deposited or required to be deposited in any fund or account established or maintained pursuant to any resolution, indenture, or trust agreement adopted by the Authority relating to any bonds, notes, or other obligations issued by the Authority pursuant to § 10-1202.10 in accordance with the provisions of such resolution, indenture, or trust agreement.

(g) Before entering into any marketing contract that is a multiyear contract or in excess of $1 million during a 12-month period, the Authority shall submit the contract to the Council for review and approval under § 2-352.02.

(h) Beginning in fiscal year 2013 and each fiscal year thereafter, the Chief Financial Officer shall transfer $3 million from the General Fund of the District of Columbia to supplement the Marketing Fund.

(i)(1) In addition to any other limitation applicable under subsection (e)(1) of this section, funds transferred pursuant to subsection (h) of this section shall be limited to Destination DC-led advertising programs with the specific purpose to increase tourism and convention travel to the District of Columbia and further the purpose of the marketing service contracts entered into pursuant to subsection (e) of this section and used only for:

(A) Targeted online advertising;
(B) Search engine marketing;
(C) Print media;
(D) Broadcast media;
(E) Social media marketing;
(F) Outdoor media (billboards/signage);
(G) Direct-to-consumer email campaigns; and
(H) Pop-up experiential marketing opportunities.

(2) All uses of funds transferred pursuant to subsection (h) of this section shall be subject to mandatory return-on-investment analysis as determined by the Authority's marketing service contract oversight functions.

(3) Any funds transferred pursuant to subsection (h) of this section that are used outside the scope and intent of this subsection, as determined by the Authority pursuant to its marketing service contract oversight function, shall lead to the automatic revocation of remaining funds transferred at the beginning of that fiscal year pursuant to subsection (h) of this section and their reversion to the General Fund of the District of Columbia.

(Sept. 28, 1994, D.C. Law 10-188, § 208a, as added Aug. 12, 1998, D.C. Law 12-142, § 2(f), 45 DCR 4826; Apr. 13, 1999, D.C. Law 12-219, § 2, 46 DCR 288; Apr. 3, 2001, D.C. Law 13-259, § 2, 48 DCR 772; June 12, 2003, D.C. Law 14-310, § 7, 50 DCR 1092; Nov. 13, 2003, D.C. Law 15-39, § 1102, 50 DCR 5668; Oct. 20, 2005, D.C. Law 16-33, § 1252, 52 DCR 7503; Mar. 3, 2010, D.C. Law 18-111, § 2081(k), 57 DCR 181; Sept. 20, 2012, D.C. Law 19-168, § 7143, 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 213, 59 DCR 6190.)

Section references. — This section is referenced in § 10-1202.06.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 added (h) and (i).

The 2012 amendment by D.C. Law 19-171 substituted "§ 2-352.02" for "§ 2-301.05a" in (g).

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support

Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 10-1202.10. Power of the Authority to issue bonds and notes.

(a) Subject to the limitations in § 10-1202.04, the Authority may at any time, and from time to time, issue bonds and notes or other obligations, by resolution, in 1 or more series to finance the construction of, or capital improvements to, the new convention center or a District sports or entertainment facility or certain costs of the new convention center hotel or a District sports or entertainment facility hotel. The resolution shall name the Chief Financial Officer of the District as the authorized delegate to execute all documents related to the bond financings or refinancings. In addition, the Authority may issue notes to renew notes and bonds to pay notes, including the interest thereon. Whenever expedient, the Authority may refund bonds by the issuance of new bonds.

(b) Bonds of the Authority are obligations payable from revenues of the Authority from whatever source derived, including certain designated taxes, operations of the new convention center, lease payments, earnings on certain funds, and any other funds available to the Authority which may lawfully be used for these purposes.

(c) Regardless of their form or character, bonds of the Authority are negotiable instruments for all purposes of Title 28, subject only to the provisions of the bonds and notes for registration.

(d) No official, employee, or agent of the Authority shall be held personally liable solely because a bond or note is issued.

(e) The issuance and performance of bonds, notes, and other obligations by the Authority as contemplated in this chapter and the adoption of resolutions authorizing such bonds, notes, and other obligations shall be done in compliance with the requirements of this chapter, but shall not be subject to Chapter 5 of Title 2.

(f) The Authority shall have the power to borrow money and to issue revenue bonds regardless of whether or not the interest payable by the Authority incident to such loans or revenue bonds or the income derived by the holders of the evidence of such indebtedness or revenue bonds is, for the purposes of federal taxation, includable in the taxable income of the recipients of these payments or is otherwise not exempt from the imposition of taxation on the recipients.

(g) The Authority shall have the power to contract with the holders of its notes or bonds as to the custody, collection, securing, investment, and payment of any monies of the Authority and of any monies held in trust or otherwise for the payment of notes or bonds.

(Sept. 28, 1994, D.C. Law 10-188, § 210, 41 DCR 5333; Oct. 22, 2009, D.C. Law 18-78, 2(c), 56 DRC 6959; Mar. 3, 2010, D.C. Law 18-111, § 2081(n), 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 72(c), 59 DCR 6190.)

Section references. — This section is referenced in § 10-1202.03 and § 10-1202.08a.

Effect of amendments. The 2012 amendment by D.C. Law 19-171 made a technical correction to D.C. Law 18-111 which did not affect this section as codified.

Legislative history of Law 19-171. — See note to § 10-1202.01.

PART D.

EMINENT DOMAIN FOR HOTEL.

§ 10-1202.31. Definitions.

For the purpose of this part, the term:

(1) "New Convention Center Hotel Site" means the real property located in Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N.W., Washington, D.C., and public alleys to be closed.

(2) "New Convention Center" means the comprehensive international trade and exhibition center constructed within the area bounded by 7th Street, N.W., N Street, N.W., 9th Street, N.W., and Mount Vernon Square, N.W., Washington, D.C.

(3) "New Convention Center Hotel" means a hotel to be constructed on the New Convention Center Hotel Site.

(Sept. 28, 1994, D.C. Law 10-188, § 231, formerly § 801, as added Sept. 19, 2006, D.C. Law 16-163, § 201, 53 DCR 5430; Apr. 15, 2008, D.C. Law 17-144, § 3(f), 55 DCR 2527; renumbered Mar. 25, 2009, D.C. Law 17-353, § 122(g), 56 DCR 1117; Oct. 22, 2009, D.C. Law 18-78, § 2(h), 56 DCR 6959; Sept. 26, 2012, D.C. Law 19-171, § 73(a), 59 DCR 6190.)

Effect of amendments. The 2012 amendment by D.C. Law 19-171 made a technical correction to D.C. Law 18-78 which did not affect this section as codified.

Legislative history of Law 19-171. — See note to § 10-1202.01.

PART D-i.

PROVISIONS RELATING TO THE CONSTRUCTION OF THE CONVENTION CENTER HOTEL.

§ 10-1202.41. Construction contracting requirements.

(a) HQ Hotel, L.L.C., shall comply with the negotiated terms and conditions of the Certified Business Enterprise Utilization and Participation Agreement by and between the District of Columbia Department of Small and Local

Business Development and HQ Hotel, L.L.C., which was agreed to and executed on May 1, 2009, and shall, at a minimum, contract with certified business enterprises for at least 35% of the adjusted development budget, as defined in the agreement, and require at least 20% non-institutional equity, as defined in the agreement, and 20% development participation of local, small, and disadvantaged business enterprises, all as subject to the terms of the agreement and applicable law.

(b) HQ Hotel, L.L.C., shall submit a certified business enterprises implementation forecasting plan to the Council on or before September 30, 2009. The plan shall include the following:

(1) The total amount to be paid for the construction of the new convention center hotel;

(2) The total amount to be expended for each construction division;

(3) The amount of each contract in each construction division;

(4) The contractor and the amount of the contract;

(5) Each subcontractor and the amount of the contract for each subcontractor;

(6) The certified business enterprises participation as contractor or subcontractor and the amount of the contracts;

(7) The amount equal to the certified business enterprises participation goal of 35% of contractor or subcontractor contracts;

(8) A method of tracking the certified business enterprises participation and the amount of each contract from committed, to awarded, to paid;

(9) A method of monitoring the certified business enterprises participation against the certified business enterprises forecast;

(10) A system of remediation for any shortfalls in the certified business enterprises participation; and

(11) A senior manager with the general contractor that has operational responsibility for meeting the certified business enterprises participation for the construction of the new convention center hotel.

(Sept. 28, 1994, D.C. 10-188, § 901, as added Oct. 22, 2009, D.C. Law 18-78,§ 2(i), 56 DCR 6959; redesignated as § 241, Sept. 26, 2012, D.C. Law 19-171, § 73(b)(2), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 redesignated D.C. Law 10-188, § 901 as D.C. Law 10-188, § 241.

Legislative history of Law 19-171. — See note to § 10-1202.01.

§ 10-1202.42. First Source Agreement required.

HQ Hotel, L.L.C., shall enter into a First Source Agreement with the District that shall govern certain obligations of HQ Hotel, L.L.C., pursuant to § 2-219.03 and Mayor's Order 83-265 (November 9, 1983), regarding job creation and employment generated as a result of the construction of the new convention center hotel.

(Sept. 28, 1994, D.C. 10-188, § 902, as added Oct. 22, 2009, D.C. Law

18-78,§ 2(i), 56 DCR 6959; redesignated as § 242, Sept. 26, 2012, D.C. Law 19-171, § 73(b)(3), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 redesignated D.C. Law 10-188, § 902 as D.C. Law 10-188, § 242.

Legislative history of Law 19-171. — See note to § 10-1202.01.

§ 10-1202.43. Construction apprenticeship programs.

(a) HQ Hotel, L.L.C., shall enter into an agreement that requires that:

(1) Contractors and subcontractors participate in apprenticeship programs that:

(A) Meet the standards set forth in Chapter 11 of Title 7 of the District of Columbia Municipal Regulations;

(B) Have an apprenticeship program that is registered with the District of Columbia Apprenticeship Council;

(2)(A) At least 25% of the total journey workers hours performed on the construction of the new convention center hotel shall be performed by journey workers that are District residents.

(B)(i) If a contractor or subcontractor performing work on construction of the new convention center hotel is unable to identify and hire a bona fide District of Columbia resident for any of the trade work as a journey worker for the construction of the new convention center hotel, the contractor or subcontractor shall contact the Department of Employment Services ("DC DOES") to request a list of District residents for the work.

(ii) All journey workers identified by DC DOES that are District residents shall be referred to the contractor or subcontractor making the request.

(iii) If no District residents can be identified by DC DOES to fulfill the request for a journey worker after 48 hours, the contractor or subcontractor may employ applicants from any other available source.

(3)(A) At least 60% of all apprenticeship hours by trade performed pursuant to the apprenticeship programs required by § 2-1431 shall be performed by District residents.

(B) The DC DOES Office of Apprenticeship may grant a waiver to a contractor or subcontractor if it is not able to meet the apprenticeship requirements by trade;

(4)(A) At least 60% of all skilled and unskilled laborer hours for the construction of the new convention center hotel shall be performed by District residents.

(B) For the purposes of this section, skilled laborer and unskilled laborers positions shall be defined by 40 U.S.C. §§ 3141 through 3144, 3146, and 3147;

(5)(A) Any contractor or subcontractor that fails to make a good faith effort to comply with the requirements of this section shall be subject to a monetary penalty in the amount of 5% of the direct or indirect labor costs of the contract.

(B) Penalties shall be imposed by the Mayor and all money collected

from the penalties shall be deposited into the Get D.C. Residents Training for Jobs Now Career Technical Training Fund, established by § 6-1071(h)(1) [(h) repealed].

(b) The general contractor for the construction of the new convention center hotel shall deliver a workforce implementation plan to the Council on or before September 30, 2009. The plan shall include:

(1) The total number of hours to be worked on the project by trade;

(2) The total number of journey worker hours on the project and the total number of journey worker hours to be worked by District residents;

(3) The total number of apprentice hours by trade and the total number of apprentice hours, by trade, to be worked by District residents;

(4) The total number of skilled and unskilled laborer work hours to be worked and the total number of hours to be worked by District residents;

(5) A timetable and critical path of the total work hours by trade for the construction of the new convention center hotel over 42 months;

(6) Establishment of a workforce database of District residents that will provide contractors and subcontractors with a list of journey workers, apprentices, skilled laborers, and unskilled laborers;

(7) A schedule for a stakeholders working group, including the Chair of the Committee on Economic Development, an Independent, At-Large Councilmember that serves on the Committee of Housing and Workforce Development, or their designees, and representatives from the First Source Agreement Program, the Office of Apprenticeship Information and Training, the Department of Small and Local Business Development, the Washington Convention Center Authority, HQ Hotel, L.L.C., and the general contractor to review and discuss the progress of the workforce mandates;

(8) An established monitoring process, approved by DC DOES, of all contractors and subcontractors through their certified payrolls, which process shall include a monthly monitoring report including hours worked by District residents and the amount paid to District residents for each trade;

(9) A remediation strategy to ameliorate any workforce problem encountered with contractors and subcontractors; and

(10) A senior official from the general contractor who will be responsible for implementing the workforce mandates of this part.

(Sept. 28, 1994, D.C. 10-188, § 903, as added Oct. 22, 2009, D.C. Law 18-78,§ 2(i), 56 DCR 6959; redesignated as § 243, Sept. 26, 2012, D.C. Law 19-171, § 73(b)(4), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 redesignated D.C. Law 10-188, § 903 as D.C. Law 10-188, § 243.

Legislative history of Law 19-171. — See note to § 10-1202.01.

§ 10-1202.44. Internship program.

The operator of the new convention center hotel, the Hospitality High School of Washington, D.C., and the District of Columbia Hotel Association shall

create an internship program for the Hospitality High School of Washington, D.C., students at the new convention center hotel.

(Sept. 28, 1994, D.C. 10-188, § 904, as added Oct. 22, 2009, D.C. Law 18-78,§ 2(i), 56 DCR 6959; redesignated as § 244, Sept. 26, 2012, D.C. Law 19-171, § 73(b)(5), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 redesignated D.C. Law 10-188, § 904 as D.C. Law 10-188, § 244.

Legislative history of Law 19-171. — See note to § 10-1202.01.

CHAPTER 18. WATERFRONT PARK AT THE YARDS.

Sec.
10-1802. Authorization of Maintenance Agreement.
10-1804. Allocation of sales tax revenue attributable to the Waterfront Park Retail Area.

§ 10-1802. Authorization of Maintenance Agreement.

(a) Notwithstanding any other provision of law, the Mayor may enter into the Maintenance Agreement, and any amendments or supplements to the Maintenance Agreement, if the Maintenance Agreement provides that the Project Developer shall:

(1) Pay and file its monthly District of Columbia sales and use tax returns for taxes attributable to the Waterfront Park Retail Area by electronic means, separate from any parent, subsidiary, affiliate, umbrella business organization, or other taxable entity or space of the Project Developer, and in a manner consistent with the instructions of the Office of Tax and Revenue;

(2) Through lease arrangements or other means, obtain the written agreement of all tenants and vendors within the Waterfront Park Retail Area to pay and file their monthly District of Columbia sales and use taxes attributable to the Waterfront Park Retail Area by electronic means, separate and apart from any parent, subsidiary, affiliate, umbrella business organization, or other taxable entity or space of the tenant or vendor; and

(3) File with the Recorder of Deeds a consent to the levy of the special assessment imposed by subchapter VII of Chapter 8 of Title 47.

(b) Chapter 3A of Title 2 [§ 2-351.01 et seq.] shall not apply to the Maintenance Agreement.

(Mar. 3, 2010, D.C. Law 18-105, § 3, 57 DCR 11; Sept. 26, 2012, D.C. Law 19-171, § 225, 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Chapter 3A of Title 2" for "§ 2-301.01 et seq." in (b).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 10-1804. Allocation of sales tax revenue attributable to the Waterfront Park Retail Area.

During the contribution period, the sales and use tax revenue attributable to the Waterfront Park Retail Area shall be allocated and deposited into the Waterfront Park Maintenance Fund in the following amounts:

(1) In the 12-month period beginning July 1, 2012, $380,000;

(2) In each 12-month period beginning on each July 1 thereafter that is within the contribution period, an amount equal to $380,000, increased by the increase in the CPI during the period from July 1, 2012, to the beginning of that 12-month period.

(Mar. 3, 2010, D.C. Law 18-105, § 5, 57 DCR 11; Sept. 26, 2012, D.C. Law 19-171, § 74, 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 10-1805. Naming rights for the Waterfront Park.

Emergency legislation. — For temporary (90 day) additions, see §§ 2 to 6 of the Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Emergency Approval Act of 2012 (D.C. Act 19-393, July 18, 2012, 59 DCR 8690).

CHAPTER 19. WALTER REED ARMY MEDICAL CENTER.

§ 10-1901. Definitions.

For the purposes of this chapter, the term:

(1) "Base Closure Act" means the Defense Base Closure and Realignment Act of 1990, approved November 5, 1990 (104 Stat. 1485; 10 U.S.C. § 2687, note).

(2) "Homeless Submission" means the Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission to be submitted to the U.S. Department of Housing and Urban Development that shall be developed and implemented pursuant to section 2905 of the Base Closure Act and includes the Walter Reed Reuse Plan and Legally Binding Agreements, in substantially the same form as submitted by the Mayor to the Council.

(3) "Legally Binding Agreement" means an agreement between the Dis-

trict, as the Walter Reed LRA, and a homeless-assistance provider recommended for approval by the Walter Reed LRA Committee, that commits the District and the homeless-assistance provider to implement and operate certain homeless assistance-services on the Walter Reed Army Medical Center Site and may require the transfer of real property on the Walter Reed Army Medical Center Site by the District to the homeless-assistance provider, in substantially the same form as submitted by the Mayor to the Council, subject to amendments requested by the U.S. Department of Housing and Urban Development.

(4) "LRA" means local redevelopment authority.

(5) "Memorandum of Agreement" means an agreement between the District, as the Walter Reed LRA, and a public-benefit provider recommended for approval by the Walter Reed LRA Committee, of educational, safety, and public health uses on the Walter Reed Army Medical Center Site for the potential transfer of real property on the Walter Reed Army Medical Center Site by the District to the public benefit provider, in substantially the same form as submitted by the Mayor to the Council.

(6) "Walter Reed LRA" means the District of Columbia, which is the local redevelopment authority recognized by the Office of Economic Adjustment on behalf of the Secretary of Defense as the entity responsible for developing a reuse plan, pursuant to the Base Closure Act.

(7) "Walter Reed LRA Committee" means the committee established by Mayor's Order No. 2006-21 to develop final recommendations for the Walter Reed Reuse Plan to the Mayor and Council, which is comprised of representatives from the Mayor's Office and the Council, and 5 voting and 5 alternate citizen members, all of whom live in the community surrounding the Walter Reed Army Medical Center site.

(8) "Walter Reed Army Medical Center Site" means 67.5 acres located on a portion of the area bounded by Fern Street, N.W., and Alaska Avenue, N.W., to the north, 16th Street, N.W., to the west, Aspen Street, N.W., to the south, and Georgia Avenue, N.W., to the east, as further identified in the Walter Reed Reuse Plan.

(9) "Walter Reed Reuse Plan" means the Walter Reed Local Redevelopment Authority Reuse Plan for the Walter Reed Army Medical Center Site, which was developed in conjunction with the Walter Reed LRA Committee for final recommendation to the Mayor and the Council for adoption and approval by enactment of this chapter, in substantially the same form as submitted by the Mayor to the Council.

(Oct. 16, 2012, D.C. Law 19-175, § 2, 59 DCR 9106.)

Emergency legislation. — For temporary addition of chapter, see §§ 2 to 6 of the Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Congressional Review Emergency Approval Act of 2012 (D.C. Act 19-528, November 2, 2012, 59 DCR 13325), applicable as of October 16, 2012.

Legislative history of Law 19-175. — Law 19-175, the "Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Approval Act of 2012," was introduced in Council and assigned Bill No. 19-729. The Bill was adopted on first and second readings on June 26, 2012, and July 10, 2012, respectively. Signed by the Mayor on July 24, 2012, it was assigned Act No. 19-399 and transmitted to Congress for its review. D.C. Law 19-175 became effective on Oct. 16, 2012.

§ 10-1902. Findings and purpose.

(a) The Walter Reed Army Medical Center Site has been declared surplus and closed by the Department of Defense pursuant to the procedures and authorities of the Base Closure Act.

(b) Mayor's Order No. 2006-21 designated the District of Columbia government as the Walter Reed LRA that was recognized by the Office of Economic Adjustment on behalf of the Secretary of Defense for the purpose of developing a Walter Reed Reuse Plan and established the Walter Reed LRA Committee and charged the committee with developing final recommendations for the Mayor and the Council for a Walter Reed Reuse Plan.

(c)(1) The Mayor, in conjunction with the Walter Reed LRA Committee, developed the Walter Reed Reuse Plan during public meetings on January 28, 2010, March 10, 2010, April 21, 2010, May 26, 2010, August 5, 2010, September 1, 2010, October 6, 2010, October 13, 2011, December 1, 2011, and January 25, 2012, which were supplemented by community input received at community meetings held on June 9, 2010, July 10, 2010, August 19, 2010, October 5, 2011, November 15, 2011, December 8, 2011, and February 2, 2012.

(2) The Walter Reed LRA Committee made final recommendations to the Mayor and Council on the Homeless Submission by motion approved on January 25, 2012.

(d) The Walter Reed Reuse Plan envisions a vibrant campus integrated into the community through the provision of expanded retail opportunities, preservation of open space, creative reuse of historic assets into a range of cultural and educational uses, creation of a range of jobs for District residents, and development of a variety of housing options to support a range of incomes and needs.

(e)(1) The Walter Reed Reuse Plan recommends homeless-assistance provider uses providing affordable housing and support services, subject to the Legally Binding Agreements.

(2) Pursuant to the terms of the Legally Binding Agreements, the transfer of the portions of the Walter Reed Army Medical Center Site to homeless-assistance providers shall be conditioned on, among other things, final approval of the Homeless Submission by the U.S. Department of Housing and Urban Development and the U.S. Department of the Army conveying the Walter Reed Army Medical Center Site to the District.

(f) The Walter Reed Reuse Plan also provides for the public benefit conveyance uses identified in the Memorandum of Agreement. Pursuant to the terms of the Memorandum of Agreement, the conveyance of the portions of the Walter Reed Army Medical Center Site to the public benefit conveyance users is conditioned on, among other things, final approval of the Homeless Submission by the U.S. Department of Housing and Urban Development and the U.S. Department of the Army conveying the Walter Reed Army Medical Center Site to the District.

(g) The Mayor shall seek to have the Office of Economic Adjustment on behalf of the Secretary of Defense recognize the District as an Implementation Local Reuse Authority, as defined in the Base Closure Act.

(h) Upon approval of the Homeless Submission by the U.S. Department of Housing and Urban Development and the Department of Defense, the Mayor, on behalf of the Walter Reed LRA, will seek to acquire and submit an application for approximately 67.5 acres of real property from the Department of Defense for redevelopment pursuant to section 2905(b)(4) of the Base Closure Act.

(Oct. 16, 2012, D.C. Law 19-175, § 3, 59 DCR 9106.)

Emergency legislation. — For temporary addition of section, see § 3 of the Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Congressional Review Emergency Approval Act of 2012 (D.C. Act 19-528, November 2, 2012, 59 DCR 13325), applicable as of October 16, 2012.

Legislative history of Law 19-175. — See note to § 10-1901.

§ 10-1903. Approval of plans.

The Council approves the Homeless Submission, the Walter Reed Reuse Plan, the Walter Reed LRA Committee final recommendations, adopted by the Walter Reed LRA, and the Legally Binding Agreements, as transmitted by the Mayor, for submission to the U.S. Department of Housing and Urban Development, and, thereafter, the U.S. Department of Defense. Further, the Mayor may amend or supplement the Walter Reed Reuse Plan, Homeless Submission, and Legally Binding Agreements based upon comments from the U.S. Department of Housing and Urban Development; provided, that any proposed amendment or supplement shall be made available by the Mayor to the public for a 30-day period of public review and comment.

(Oct. 16, 2012, D.C. Law 19-175, § 4, 59 DCR 9106.)

Emergency legislation. — For temporary addition of section, see § 4 of the Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Congressional Review Emergency Approval Act of 2012 (D.C. Act 19-528, November 2, 2012, 59 DCR 13325), applicable as of October 16, 2012.

Legislative history of Law 19-175. — See note to § 10-1901.

§ 10-1904. Transfer of real property pursuant to Legally Binding Agreement.

Notwithstanding Chapter 8 of this title [§ 10-801 et seq.], the Mayor is authorized to transfer the subject real property to the applicable homeless-assistance provider in accordance with the terms of the applicable Legally Binding Agreement.

(Oct. 16, 2012, D.C. Law 19-175, § 5, 59 DCR 9106.)

Emergency legislation. — For temporary addition of section, see § 5 of the Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Congressional Review Emergency Approval Act of 2012 (D.C. Act 19-528, November 2, 2012, 59 DCR 13325), applicable as of October 16, 2012.

Legislative history of Law 19-175. — See note to § 10-1901.

§ 10-1905. Transfer of real property pursuant to Memorandum of Agreement.

Notwithstanding Chapter 8 of this title [§ 10-801 et seq.], the Mayor is authorized to transfer the subject real property to the applicable public benefit conveyance applicant in accordance with the terms of the applicable Memorandum of Agreement.

(Oct. 16, 2012, D.C. Law 19-175, § 6, 59 DCR 9106.)

Emergency legislation. — For temporary addition of section, see § 6 of the Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Congressional Review Emergency Approval Act of 2012 (D.C. Act 19-528, November 2, 2012, 59 DCR 13325), applicable as of October 16, 2012.

Legislative history of Law 19-175. — See note to § 10-1901.